

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 DINO ANTOLINI,

6 PLAINTIFF,

7 - against -

8 Case No.:

9 1:19-cv-09038

10 AMY McCLOSKEY, THERESA LAURENT,
11 DIMUR ENTERPRISES INC., EDDIE CK
12 CHUNG and C&S MILLENIUM REAL
13 ESTATE LLC,

14 DEFENDANTS.
15 -----X

16 DATE: April 19, 2021

17 TIME: 10:07 A.M

18 VIDEOTAPED DEPOSITION of the Plaintiff,
19 DINO ANTOLINI, taken by the Defendants,
20 pursuant to a Court Order and to the
21 Federal Rules of Civil Procedure, held at
22 the above date and time, before Susan
23 Insinga, a Notary Public of the State of
24 New York.
25

A P P E A R A N C E S:

FINKELSTEIN LAW GROUP, PLLC

Attorneys for the Plaintiff

DINO ANTOLINI

338 Jericho Turnpike

Syosset, New York 11791

BY: STUART FINKELSTEIN, ESQ.

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LEVIN-EPSTEIN & ASSOCIATES, PC

Attorneys for the Defendants

AMY McCLOSKEY, THERESA LAURENT,

and DIMUR ENTERPRISES INC.

60 East 42nd Street, Suite 4700

New York, New York 10165

BY: JASON MIZRAHI, ESQ.

jason@levinepstein.com

ALSO PRESENT:

Jason Aqui, Videographer, Veritext

* * *

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

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D. ANTOLINI

THE VIDEOGRAPHER: Good morning. We are going on the record. The time is 10:07 a.m. Eastern Standard Time on April 19, 2021.

This is the media unit 1 of the video recorded deposition of Dino Antolini, being taken by counsel for the defendant in the matter of Dino Antolini versus Amy McCloskey and others, in the U.S. District Court, Southern District of New York.

This deposition is being held virtually. My name is Jason Aqui from the firm Veritext; I am the videographer. The court reporter is Susan Insinga, also from the firm Veritext.

I'm not authorized to administer an oath. I'm not related to any party in this action, nor am I financially interested in the outcome.

Counsel and all present in the room and everyone attending remotely

1 D. ANTOLINI

2 will now state their appearances and
3 affiliations for the record.

4 If there are any objections to
5 the proceeding, please state them at
6 the time of your appearance,
7 beginning with the noticing attorney.

8 MR. FINKELSTEIN: Yes.

9 Stuart Finkelstein for
10 Plaintiff, Dino Antolini.

11 MR. MIZRAHI: Jason Mizrahi,
12 the noticing attorney, from
13 Levin-Epstein & Associates, PC, on
14 behalf of defendants Dimur
15 Enterprises, Inc., Amy McCloskey and
16 Theresa Laurent.

17 THE VIDEOGRAPHER: Will the
18 Court Reporter please swear in the
19 witness?

20 D I N O A N T O L I N I, called as a
21 witness, having been first duly sworn by a
22 Notary Public of the State of New York, was
23 examined and testified as follows:

24 THE COURT REPORTER: May I have
25 your name and address for the record,

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D. ANTOLINI

please?

THE WITNESS: Dino Antolini.
A-N-T-O-L-I-N-I. (Indiscernible)
Bell Boulevard, Queens Village, New
York 11427.

THE COURT REPORTER: I
understood Bell Boulevard.

Can you just say the number?

THE WITNESS: 8007.

THE COURT REPORTER: 8007?

THE WITNESS: Correct.

THE COURT REPORTER: Bell
Boulevard.

THE WITNESS: Queens Village,
New York.

THE COURT REPORTER: Okay.
Thank you.

THE WITNESS: 11427.

THE COURT REPORTER: Okay.
Thank you.

THE WITNESS: Okay. You're
welcome.

* * *

1 D. ANTOLINI

2 EXAMINATION BY

3 MR. MIZRAHI:

4 Q. Good morning, Mr. Antolini.

5 A. Good morning.

6 Q. How are you?

7 A. I'm all right.

8 MR. FINKELSTEIN: Don't worry
9 about how he is. Let's just start
10 the deposition, sir, mister.

11 MR. MIZRAHI: Stuart, before we
12 begin --

13 MR. FINKELSTEIN: No, no, no,
14 no. It's not -- it's not Stuart.
15 Excuse me. Excuse me. It's not
16 Stuart, it's Mr. Finkelstein. And
17 I'm not looking for you to establish
18 a personal rapport with my client.
19 We'd like you to start the
20 deposition, mister. Thank you.

21 MR. MIZRAHI: Susan, before we
22 begin, I'll be making a brief
23 statement for the record.

24 THE COURT REPORTER: Okay.

25 MR. MIZRAHI: I am --

1 D. ANTOLINI

2 MR. FINKELSTEIN: And, Susan,
3 Stuart Finkelstein here. Anything
4 and everything that's said, I'd like
5 on the record, please, all right?
6 Nothing off the record. Okay?
7 Susan?

8 THE COURT REPORTER: Yes.

9 MR. MIZRAHI: I'm displaying a
10 document filed on March 2nd of 2021.
11 Can you see this document?

12 THE WITNESS: Me?

13 MR. MIZRAHI: Susan, can you
14 see this document?

15 THE COURT REPORTER: I can see
16 it, yes.

17 MR. MIZRAHI: I'm going to be
18 reading what is listed in paragraph 3
19 of this document.

20 This document is an order from
21 the Honorable Magistrate Judge
22 Stewart Aaron, and the order that was
23 entered on March 2nd, 2021 under
24 docket number 150 states, "Any
25 objections to the notice of

1 D. ANTOLINI

2 deposition that defendants served on
3 plaintiff are overruled. As
4 indicated on the record during
5 today's remote conference, there
6 shall be no objections at plaintiff's
7 deposition, other than objections to
8 form and objections on the basis of
9 privilege, and only in the case of
10 the latter may plaintiff decline to
11 answer the question posed.

12 Q. Dino?

13 A. Yes.

14 MR. FINKELSTEIN: Excuse me.

15 Excuse me. It's not Dino. It's
16 Mr. Antolini to you, sir. Come on.
17 You know better than this.

18 Q. Mr. Antolini, I just read
19 paragraph 3 of the Court's order entered on
20 March 2, 2001.

21 A. Okay.

22 Q. Did you understand -- did you
23 understand the paragraph that I just read?

24 A. Not really.

25 Q. Okay. I can explain it to you.

1 D. ANTOLINI

2 A. In laymen's terms.

3 Q. In laymen's terms, that
4 paragraph that I just read was an order
5 from the Court. Do you recall being --
6 appearing on video before the Court about a
7 month or a month and a half ago? We all
8 appeared on video?

9 A. Yes.

10 Q. After that hearing, the Court
11 entered an order instructing that this
12 deposition move forward, and the Court
13 instructed that your attorney is not
14 permitted to be putting in any objections
15 other than objections as --

16 MR. FINKELSTEIN: I'm going to --

17 Q. -- to form?

18 MR. FINKELSTEIN: I'm going to
19 object to all of this lecturing my
20 client about the order of Judge Aaron
21 Stewart [sic].

22 If he has questions to ask
23 about this lawsuit, let's proceed.
24 Otherwise, we're not going to listen
25 to your lectures; certainly,

1 D. ANTOLINI

2 Mr. Antolini is not going to.

3 To have to read verbatim the
4 judge's order to Mr. Antolini is
5 inappropriate, not proper and not
6 germane to the lawsuit, so we're
7 going to ask you again for the third
8 time to move on, sir. Start the
9 deposition.

10 MR. MIZRAHI: Susan, did you
11 just -- please make sure that you're
12 taking in all of these improper
13 speaking objections.

14 MR. FINKELSTEIN: Absolutely.
15 Take every objection down. I
16 appreciate that, for the record.
17 Thank you, Susan.

18 MR. MIZRAHI: I'm going to note
19 your improper speaking objection,
20 Counsel.

21 MR. FINKELSTEIN: Yes. Noted.
22 I want to note your improper --

23 MR. MIZRAHI: I'm going to --
24 I'm going to ask --

25 (Unreportable crosstalk.)

1 D. ANTOLINI

2 THE COURT REPORTER: Hang on.

3 You guys have to go one at a time or
4 it's canceling each other out and
5 nothing is going to get on the
6 record.

7 So if you want everything on
8 the record, please take turns.

9 MR. MIZRAHI: Mr. Finkelstein,
10 I'm going to warn you once and only
11 once --

12 MR. FINKELSTEIN: You're not
13 going to warn me of anything, sir. I
14 don't want to hear that. Warn
15 somebody else.

16 MR. MIZRAHI: I'm going to --
17 I'm going to respectfully warn you
18 once and only once --

19 MR. FINKELSTEIN: You're not
20 going to warn me -- excuse me. You
21 are not going to warn me of anything,
22 sir.

23 I'm going to ask you now for
24 the fifth time, it's now 10:14, and
25 you're still lecturing my client and

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D. ANTOLINI

you're warning me. I'm going to ask
you to continue with this deposition.
Thank you.

MR. MIZRAHI: Yeah, I'm not
going to permit you to interrupt me.
And I'm respectfully reserving my
right to seek sanctions against you
and your client for any interruptions
caused by any improper speaking
objections today.

MR. FINKELSTEIN: All right.
You all finished now? Start the
deposition, sir. Let's move it
along. Thank you.

Q. Mr. Antolini?

A. Yeah.

Q. The order that I was reading
before was an instruction from the Court
instructing your attorney not to object to
any lines of questioning other than on the
basis --

MR. FINKELSTEIN: Same
objection. Same objection as before,
you lecturing my client. My

1 D. ANTOLINI

2 goodness. And I'm asking --

3 MR. MIZRAHI: Any objections --

4 MR. FINKELSTEIN: -- you now
5 for the sixth time to please start
6 the deposition.

7 Q. Any objections other than on
8 the basis --

9 MR. FINKELSTEIN: Start the
10 questioning, I should say. I should
11 say start the question. Sorry.

12 Q. The paragraph that I was
13 reading was an instruction from the Court
14 instructing your attorney that he is not
15 permitted to be making any objections other
16 than on the basis of form or on the basis
17 of attorney/client privilege.

18 That means that unless your
19 attorney is instructing you not to answer
20 on the basis of privilege --

21 MR. FINKELSTEIN: My continuing
22 objection to the lecture of my client
23 regarding an order that's directed at
24 me. This is really nonsensical, but
25 go ahead. You use up your seven

1 D. ANTOLINI

2 hours. Go ahead, counsel.

3 Q. That means that you have to
4 answer the questions that I'm asking.

5 Do you understand?

6 A. Yeah.

7 Q. Okay. Have you ever been
8 deposed before, Mr. Antolini?

9 A. No.

10 Q. Okay. Before we start, I can
11 just give you some brief ground rules.
12 These rules are going to make the
13 deposition run more smoothly.

14 A. Okay.

15 Q. And, you know, it's important
16 just so you understand the easiest way to
17 administer today.

18 A. Okay.

19 Q. So, number one, if at any point
20 you don't understand a question, let me
21 know.

22 A. Okay.

23 Q. I'll be happy to rephrase it.

24 A. Thank you.

25 Q. Number two, even if -- even if

1 D. ANTOLINI

2 you think you know the question that I'm
3 asking, it's important in order for us to
4 get a clear and complete record to let me
5 finish my question.

6 We have a Court Reporter here
7 today with us. Her name is Susan. Susan's
8 job is to take down the record.

9 A. Okay.

10 Q. And in order for Susan to take
11 down the record, she needs all
12 communications to be verbal. So a verbal
13 communication means that in response to all
14 of my questions, I need you to give me a
15 verbal response.

16 A. Okay. I'll try. I'll do my
17 best.

18 Q. Thank you. I understand -- I
19 see you nodding --

20 A. Yeah.

21 Q. -- but I need you to give
22 verbal responses to all of my questions.
23 So please don't shake your head up and
24 down. Please, instead of shaking your head
25 or using your hands, make sure that you're

1 D. ANTOLINI

2 giving verbal responses.

3 Do you understand?

4 A. I understand.

5 MR. FINKELSTEIN: Dino, if you
6 want, you can shake your head and
7 give verbal at the same time if
8 that's your customary thing of doing.
9 Not a problem.

10 THE WITNESS: Okay.

11 Q. If at any point you need to
12 take a break, Mr. Antolini, just let me
13 know; I'd be happy to accommodate you.

14 A. You got it.

15 Q. The only thing that I ask is
16 that if there's a question that's being
17 posed, please answer the question --

18 A. Then go.

19 Q. -- before taking a break.

20 A. Okay.

21 Q. The last thing that I'd like to
22 say, Mr. Antolini, is please make sure you
23 speak in a loud, clear voice so the Court
24 Reporter can understand you.

25 I understand that you may have

1 D. ANTOLINI

2 some trouble speaking clearly, so it's
3 important to go -- to speak slowly, that
4 way the Court Reporter can make sure to
5 take down everything that you're saying.

6 A. Okay.

7 Q. Okay?

8 A. Yeah.

9 Q. Great.

10 Mr. Antolini, can you please
11 state your full name for the record?

12 A. Dino Antolini.

13 Q. And is Dino short for anything?

14 A. No. It's my given name.

15 Q. That is your given name?

16 A. Yeah.

17 Q. Dino --

18 MR. FINKELSTEIN: Not Dino.

19 Not Dino. Mr. Antolini. Thank you.

20 Q. Sir, can you please repeat your
21 current address for the record?

22 A. 8007 Bell Boulevard, Queens
23 Village, New York 11427.

24 Q. Mr. Antolini, the next few
25 questions that I have are -- and I'm asking

1 D. ANTOLINI

2 them to determine whether or not you're
3 going to be able to testify here truthfully
4 and recall information accurately today.

5 A. Okay.

6 Q. Mr. Antolini --

7 MR. FINKELSTEIN: Note my
8 objection.

9 I don't think I've ever heard
10 an instruction like that based upon
11 -- with no foundation and no reason
12 to do so.

13 So let's be careful where we
14 tread in terms of -- I'm not going to
15 direct him not to answer; I just want
16 to see what the questions are, but I
17 just wanted to get my objection on
18 the record.

19 Go ahead, there, mister.

20 Q. Mr. Antolini, prior to
21 appearing here today, have you had any
22 alcoholic beverages in the last 24 hours?

23 MR. FINKELSTEIN: Okay. That's
24 a fair question. That's a fair
25 question. Okay.

1 D. ANTOLINI

2 THE WITNESS: What?

3 MR. FINKELSTEIN: Dino, you can
4 answer.

5 He wants to know if you had any
6 alcohol in the last 24 hours.

7 MR. MIZRAHI: Mr. Finkelstein,
8 Mr. Finkelstein, please, please wait
9 for me to finish my question.

10 Q. Mr. Antolini, prior to
11 appearing here today, have you had any
12 alcoholic beverages in the last 24 hours?

13 A. No.

14 Q. Okay. Mr. Antolini, are you
15 currently taking any prescription
16 medications?

17 A. Yes.

18 Q. What prescription medications
19 are you taking?

20 A. Amlodipine for high blood
21 pressure. A-M-P-L -- No.
22 A-M-O-L-D-P-I-N-E [sic]. High blood
23 pressure.

24 MR. MIZRAHI: Susan?

25 THE COURT REPORTER: Yes?

1 D. ANTOLINI

2 MR. MIZRAHI: Were you able to
3 take that down?

4 THE COURT REPORTER:
5 Amlodipine.

6 THE WITNESS: Yeah. That's the
7 one.

8 MR. FINKELSTEIN: Dino, just
9 wait until he asks the question and
10 answer. Whatever they say between
11 them is between them.

12 THE WITNESS: Okay.

13 MR. FINKELSTEIN: If he doesn't
14 get it, that's on him, not you.

15 Q. And Mr. Antolini, besides --
16 besides the medicine for your high blood
17 pressure, are there any other prescription
18 medications that you're currently taking?

19 A. Propranolol for my right hand,
20 for shaking. P-R-O-T-O-N-O-L [sic].

21 Q. Are you taking any other
22 prescription medications?

23 A. No.

24 MR. FINKELSTEIN: You mean now
25 or sometime in the past?

1 D. ANTOLINI

2 Q. Mr. Antolini, are you taking
3 any other prescription medications?

4 A. No.

5 MR. FINKELSTEIN: We need you
6 to -- objection to form. We need you
7 to clarify the question.

8 MR. MIZRAHI: Mr. Finkelstein,
9 please do not instruct your witness,
10 my witness. Please do not --

11 MR. FINKELSTEIN: I'm talking
12 to you. He needs you to clarify the
13 question.

14 (Unreportable crosstalk.)

15 MR. MIZRAHI: Unless --
16 Mr. Finkelstein, unless Mr. Antolini
17 asks me to clarify the question, you
18 are not permitted to coach the
19 witness.

20 MR. FINKELSTEIN: I'm not
21 coaching, and stop this nonsense, for
22 the record.

23 Dino, do you understand his
24 question?

25 MR. MIZRAHI: You cannot coach

1 D. ANTOLINI

2 the witness.

3 MR. FINKELSTEIN: Excuse me.

4 Dino, do you understand his
5 question? Because you had a look on
6 your face.

7 THE WITNESS: I don't
8 understand.

9 MR. FINKELSTEIN: Okay.
10 Listen, from now on, if you don't
11 understand the question, you tell him
12 you don't understand it.

13 By all means, if you understand
14 the question and I don't tell you not
15 to answer, by all means, answer it.

16 But I don't want you to -- the
17 burden is on him to make the question
18 crystal clear for you to respond to,
19 okay?

20 THE WITNESS: Yeah. No
21 problem.

22 He has my medical records,
23 right?

24 MR. FINKELSTEIN: What's that?

25 THE WITNESS: He has my medical

1 D. ANTOLINI

2 records?

3 MR. FINKELSTEIN: Yes, he has
4 all of your medical records. Dino,
5 let him ask his questions and like
6 that.

7 THE WITNESS: Okay.

8 MR. FINKELSTEIN: Yes, he does.
9 Yes.

10 Yeah, go ahead.

11 He has the right to ask you.

12 Q. Mr. Antolini, you know, I want
13 to make sure that by taking these
14 medications, do you believe that they will
15 affect your ability to recall any events or
16 to testify accurately?

17 A. No.

18 MR. FINKELSTEIN: Objection to
19 form. He said no.

20 Q. Mr. Antolini, were there any
21 medications that you should have taken in
22 the last 24 hours that you haven't taken?

23 A. No.

24 Q. Mr. Antolini, have you taken
25 any substances in the last 24 hours that

1 D. ANTOLINI

2 would affect your ability to testify
3 accurately or to understand my questions?

4 A. No.

5 MR. FINKELSTEIN: What do you
6 mean by substances? What do you mean
7 by --

8 Dino, hold on. Always give me
9 a chance.

10 What do you -- what do you mean
11 by substances?

12 Do you know what he means?

13 THE WITNESS: I don't know what
14 he means by that.

15 MR. MIZRAHI: Susan, Susan, I'm
16 going to be calling the Court. I
17 want to make sure that you have an
18 opportunity to take down this
19 conversation with the Court.

20 THE COURT REPORTER: Okay.

21 MR. MIZRAHI: Susan, did you
22 get that?

23 THE COURT REPORTER: Yes, got
24 it.

25 (Phone ringing.)

1 D. ANTOLINI

2 MR. FINKELSTEIN: You're
3 calling the Court without me on the
4 phone?

5 RECORDED MESSAGE: You have
6 reached (indiscernible).

7 THE COURT REPORTER: I can't
8 hear it.

9 THE VIDEOGRAPHER: Can you turn
10 the volume up, please?

11 THE COURT REPORTER: Yeah, I
12 can't hear that.

13 MR. MIZRAHI: Good morning. My
14 name is Jason Mizrahi. I represent
15 the defendants in a pending civil
16 matter before Judge Aaron.

17 I'm calling in regards to civil
18 case number 19-CV-9038. I'm calling
19 in accordance with the Honorable
20 Judge Aaron's individual practice
21 rules in regards to a deposition
22 dispute.

23 If I could please get a phone
24 call back to resolve the issue. My
25 number is 301-758-7351. Again, my

1 D. ANTOLINI

2 number is 301-758-7351.

3 (Phone ringing.)

4 RECORDED MESSAGE: You have
5 reached the (indiscernible)
6 Honorable Stewart D. Aaron.

7 THE COURT REPORTER: I can hear
8 the ringing, but I can't hear the
9 recording that she's saying, Counsel.
10 It's not loud enough.

11 MR. MIZRAHI: Susan, when --
12 when we call the Court, what I'll
13 likely do is call you directly, that
14 way you'll be on the line on your end
15 as well.

16 THE COURT REPORTER: Okay.

17 MR. MIZRAHI: So as soon as I
18 have contact with them, I will call
19 you directly so you can hear them.

20 THE COURT REPORTER: Okay.

21 THE VIDEOGRAPHER: Counsel,
22 just to be clear, does that mean that
23 you don't want it on the video record
24 if I can't hear it?

25 MR. MIZRAHI: As long as it's

1 D. ANTOLINI

2 being transcribed, we should be okay.

3 THE VIDEOGRAPHER: Okay, great.

4 Counsel, would you like to go
5 off the record while we wait?

6 MR. MIZRAHI: We can go off the
7 record. We'll be brief. Shouldn't
8 be more than a minute or two.

9 THE VIDEOGRAPHER: Okay. Off
10 the record at 10:30.

11 (Whereupon, there was a brief
12 pause in the proceeding.)

13 THE VIDEOGRAPHER: We are now
14 on the record. The time is 10:32
15 a.m.

16 MR. MIZRAHI: I -- for the
17 record, I'd like to state that a
18 moment ago, I had left a voicemail
19 for the Honorable Magistrate Judge
20 Aaron's chambers, as well as an
21 email, memorializing a deposition
22 dispute arising out of improper
23 speaking objections and plaintiff's
24 counsel's coaching of the witness.

25 We will be returning to this

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issue as soon as we get a response from counsel. In the meantime, we're going to be moving forward.

Susan, if you can kindly asterisk those two improper speaking objections from Mr. Finkelstein. We will be referring to them later. If you could take a moment to just make that note for your own record.

THE COURT REPORTER: Okay.

Give me one second.

MR. FINKELSTEIN: Susan?

THE COURT REPORTER: Yes?

MR. FINKELSTEIN: What was the word that I objected to with regard to the -- I think it was something -- can you read back my last objection, please? Thanks.

(Whereupon, the referred to portion was read back by the Reporter.)

Q. Mr. Antolini?

A. Go ahead.

Q. In the last 24 hours, have you

1 D. ANTOLINI

2 taken any substances that would affect your
3 ability to recall information or to testify
4 accurately?

5 A. No.

6 MR. FINKELSTEIN: I don't know
7 what you mean by sub -- hold on,
8 Dino.

9 What did you say, no?

10 THE WITNESS: Yeah.

11 MR. FINKELSTEIN: That's fine.
12 Okay. We'll let it stand there, but
13 note my objection. Improper
14 question.

15 Q. Mr. Antolini, prior to
16 appearing here today, did you review any
17 paperwork to prepare for your deposition?

18 A. I don't understand.

19 Q. What did you do to prepare for
20 your deposition?

21 MR. FINKELSTEIN: Objection.
22 Leading. No foundation.

23 You can answer, Dino.

24 A. What do you mean by that?

25 Q. Did you do anything to prepare

1 D. ANTOLINI

2 for your deposition this morning?

3 MR. FINKELSTEIN: Objection to
4 form.

5 A. I took a shower.

6 Q. Mr. Antolini, what did you say?

7 A. I took a shower, and I
8 (indiscernible).

9 THE COURT REPORTER: I took a
10 shower and I?

11 THE WITNESS: Cleaned my
12 clothes. I got dressed.

13 THE COURT REPORTER: I got
14 dressed. Cleaned my clothes.

15 THE WITNESS: Yeah.

16 Q. Did you review any paperwork to
17 prepare for the deposition?

18 A. No.

19 Q. Mr. Antolini, have you ever
20 been arrested?

21 A. Yes.

22 MR. FINKELSTEIN: That's an
23 improper question. The question
24 that's allowed in fed court and state
25 court is have you ever been convicted

1 D. ANTOLINI

2 of a crime, not arrested.

3 So, yes, I'm going to object to
4 that and direct him not to answer
5 that question. But if you want to
6 ask him if he's been convicted, we
7 have no problem with that.

8 Q. Mr. Antolini, have you ever
9 been arrested?

10 MR. FINKELSTEIN: Don't answer,
11 Dino.

12 And stop asking the same
13 question. You just got my objection.

14 We'll throw this in the mix to
15 talk to the judge also, please,
16 Susan. Thank you. You can mark it.

17 Q. Mr. Antolini, have you ever
18 been convicted of a crime?

19 MR. FINKELSTEIN: Thank you.

20 A. No.

21 Q. Mr. Antolini, besides this
22 lawsuit, have you ever been involved in any
23 other legal claims or lawsuits?

24 MR. FINKELSTEIN: Objection to
25 form; irrelevant; no foundation, and

1 D. ANTOLINI

2 it's all a matter of -- we don't

3 understand the --

4 You can answer, Dino.

5 Objection to form.

6 Q. Mr. Antolini?

7 A. Go ahead.

8 Q. Besides this lawsuit, have you
9 been involved in any other legal claims or
10 any other lawsuits?

11 A. Yes.

12 Q. Okay. What other lawsuits were
13 you involved in?

14 MR. FINKELSTEIN: No.

15 Objection. Directing him not to
16 answer. No foundation. Matter of
17 public record, and each case stands
18 on its own, and also I'm going to
19 object on the grounds of privilege.

20 Don't answer, Dino.

21 THE WITNESS: Go ahead.

22 MR. FINKELSTEIN: Next
23 question, please.

24 THE WITNESS: Yes.

25 MR. MIZRAHI: Susan, if you

1 D. ANTOLINI

2 could please mark that last
3 objection. If you can mark that for
4 the record, please.

5 I'm getting a phone call. I
6 want to make sure that it's the
7 Court.

8 Susan, if you could please bear
9 with me one second.

10 Good morning.

11 THE COURT: Yeah, hi. It's
12 Judge Aaron.

13 MR. MIZRAHI: Good morning,
14 Your Honor. How are you?

15 THE COURT: Okay.

16 MR. MIZRAHI: Thank you so much
17 for returning my phone call. You're
18 currently only speaking with defense
19 counsel, Jason Mizrahi. You are on
20 speaker phone right now. The Court
21 Reporter and plaintiff's counsel can
22 hear you, but they're not on the
23 line. If you'd like, I can connect
24 both of them on the call.

25 THE COURT: Yeah. I need to

1 D. ANTOLINI

2 have everybody speaking with me.

3 MR. MIZRAHI: Thank you, Your
4 Honor. If you can bear with me one
5 moment while I connect all of the
6 necessary parties.

7 Susan, if you can please
8 include your phone number and I'll
9 link you into the phone call.

10 THE COURT REPORTER: Okay. I'm
11 going to put it in the chat.

12 MR. MIZRAHI: Okay.

13 THE COURT REPORTER: Okay.

14 Hello? Can you hear me?
15 Hello? Oh, that's not going to work.
16 It's giving me feedback.

17 THE COURT: Susan, you have to
18 mute whatever device you're on.

19 MR. MIZRAHI: I'm connecting
20 plaintiff's counsel.

21 THE COURT REPORTER: Can you
22 hear me? Hello?

23 THE COURT: This is Judge
24 Aaron. I'm hearing you. I don't
25 know where Mr. Mizrahi is.

1 D. ANTOLINI

2 THE COURT REPORTER: I'm
3 getting so much feedback.

4 MR. MIZRAHI: Good morning,
5 Your Honor.

6 THE COURT: Yes.

7 MR. MIZRAHI: I'm joined by
8 plaintiff's counsel, Stuart
9 Finkelstein and the Court Reporter,
10 Susan.

11 THE COURT: Yes. So what folks
12 need to do is to turn off their
13 computer feeds or the sound on their
14 computer feeds and their microphones.
15 That's why we're getting feedback.

16 Go ahead, Mr. Mizrahi.

17 MR. MIZRAHI: Your Honor, sorry
18 to bother you this morning. I know
19 that you have more important things
20 to attend to. The reason that we're
21 calling is in regards to a dispute
22 that has arisen in connection with
23 this morning's deposition for
24 plaintiff, Dino Antolini.

25 Specifically, I'm calling

1 D. ANTOLINI

2 because we're less than 40 minutes
3 into the deposition and already we've
4 had issues with improper speaking
5 objections from counsel for
6 plaintiff.

7 Not only have we had improper
8 speaking objections, but we've also
9 had repeated instructions and
10 coaching.

11 The instructions and coaching
12 so far have been by Mr. Finkelstein
13 independently saying I don't
14 understand that; I need you to repeat
15 that; I don't understand; please
16 repeat that, whereas his client
17 hadn't had any issues understanding
18 it.

19 We've also had instructions on
20 not to answer very basic questions.
21 Specifically, the question that was
22 asked was, quote, Have you been
23 involved in any other legal claims or
24 lawsuits besides this one?

25 Mr. Finkelstein had instructed

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his client not to answer on the basis
that it had no foundation.

We'd like to just set the
record straight before we move
forward, Your Honor.

There shouldn't really be any
other speaking objections. There
shouldn't be any improper coaching,
and as Your Honor had indicated in
the March 2nd order, the only basis
for instructing his client not to
answer should be on the basis of
privilege.

We want to make sure that this
deposition moves smoothly, and that's
why it was necessary to call Your
Honor this morning.

THE COURT: Mr. Finkelstein, I
will give you a very, very brief
opportunity to respond, because you
already know I'm going to rule. Go
ahead.

MR. FINKELSTEIN: Well, then --
well, everything that you just heard

1 D. ANTOLINI

2 right now, if you read the record
3 that's gone on so far, has been a
4 lie. He has just lied to you totally
5 and completely. He's asking improper
6 questions.

7 My understanding of objections
8 -- your rules for objections had to
9 do with privilege, and regarding
10 these other lawsuits -- by the way,
11 when I corrected him or objected to
12 the other questions, the improper
13 questions that he asked, he stopped
14 asking those and went on, so he knew
15 what -- he knows what he's doing in
16 terms of trying to elicit improper
17 answers from my client.

18 With regard to the other
19 lawsuits, this is the only one that
20 he just brought up with you. We
21 object. He has no foundation, et
22 cetera, et cetera, and also, based on
23 privilege.

24 I don't know where he's going
25 to get involved with other lawsuits

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and my relationship with Mr. Antolini
and asking questions about lawsuits,
and it's all a matter of public
record.

So I'm not sure what other
lawsuits have to do with this case,
Your Honor. Each case stands on its
own. But maybe it's all for naught
what I'm saying, because you already
said you know how you're going to
rule, so. . .

THE COURT: Yes. I'm going to
be crystal clear. You may object to
the form of a question or object --
state any objection you want to any
question with the word objection.

You are not permitted to
instruct the witness not to answer
except on privilege grounds or give
any other instructions or speak any
other words than the word objection.

And the purpose of that
objection is that it's preserved so
that later on, if your adversary

1 D. ANTOLINI

2 tries to use the information elicited
3 from that response, you have an
4 opportunity to stop him from doing
5 that. However, those are the only
6 objections that are permitted.

7 With respect to the issue of
8 other lawsuits, that's a factual
9 matter. It may be a matter of public
10 record, it may be a waste of the
11 seven hours you're allotted, and your
12 client will have whatever memory he
13 has of -- my recollection is there
14 are many other lawsuits, and he'll
15 remember off the top of his head what
16 he remembers. This is all --

17 MR. FINKELSTEIN: When you say --

18 THE COURT: Let me finish.

19 MR. FINKELSTEIN: Oh, sure.

20 THE COURT: No,

21 Mr. Finkelstein. I'm still speaking.

22 MR. FINKELSTEIN: I beg your
23 pardon. I thought you were finished.

24 THE COURT: He is not -- you
25 are not permitted to say any other

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word other than the word objection.
That's all you're allowed to do. And
then your client is going to answer
the question unless it's privileged.

If he says, What did
Mr. Finkelstein say to you, he's not
allowed to ask that; you're allowed
to instruct not to answer.

Otherwise, you cannot interfere with
his taking of this deposition.

Do you have any questions about
that?

MR. FINKELSTEIN: Yes. Yes, I
have a question.

When you say it's a factual
basis, these other cases, what do you
-- how is -- I don't understand what
that means. What fact --

THE COURT: It is a fact. It
is a fact. There's nothing
privileged about whether or not
there's other litigation.

MR. FINKELSTEIN: And what does
other litigation have to do with this

1 D. ANTOLINI

2 case?

3 THE COURT: Relevance is not a
4 valid objection to be made during a
5 deposition. Period, full stop.

6 Again, later on, if he tries to
7 use that and you think it's
8 irrelevant and he tries to bring it
9 in at trial or on summary judgment,
10 you objected to it, you preserved
11 your record. But if he wants to
12 waste his time asking about public
13 record information about other
14 lawsuits, he's allowed to waste his
15 time doing that.

16 MR. FINKELSTEIN: Well, that's
17 acting in bad faith then. That's
18 acting in bad faith then.

19 THE COURT: It is not.
20 Relevance is not a valid objection.
21 That is not --

22 MR. FINKELSTEIN: Bad faith is --
23 (Unreportable crosstalk.)

24 THE COURT: That is my ruling.
25 If you disagree with my ruling, so be

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it. You're allowed to disagree with my ruling, but I'm the judge.

MR. FINKELSTEIN: Oh, I know you're the judge, Your Honor. But as far as we're concerned, it's in bad faith. It unreasonably annoys Mr. Antolini, and there's information in that lawsuit that embarrasses Mr. Antolini. That's all part of Rule 30. So I'm confused, but I'll do my best. I'll do my best, Judge. I'll do my best.

THE COURT: No. Let me be clear. It is not doing your best. You are not to say any other word except objection.

Do you understand that?

MR. FINKELSTEIN: Oh, I understand everything you've said, Your Honor. Everything that you said, sir.

THE COURT: Very well.

MR. FINKELSTEIN: Yes, sir. Thank you, Your Honor. Thank you for

1 D. ANTOLINI

2 your time.

3 THE COURT: Okay.

4 MR. MIZRAHI: Thank you, Your
5 Honor.

6 THE COURT: All right.

7 (Whereupon, the call with the
8 Court ended.)

9 MR. MIZRAHI: Susan, I'd like
10 to just state for the record that the
11 parties had just had a telephonic
12 conference before the Honorable
13 Magistrate Judge Aaron lasting
14 approximately 12 minutes.

15 Magistrate Judge Aaron clearly
16 and unequivocally instructed
17 Mr. Finkelstein that he is not
18 permitted to be making any improper
19 speaking objections; that he's not
20 permitted to be coaching the witness;
21 that he's not permitted to instruct
22 the witness.

23 And I'm going to quote verbatim
24 that Magistrate Judge Aaron had
25 instructed Mr. Finkelstein, quote,

1 D. ANTOLINI

2 The only word allowed out of your
3 mouth was objection, and
4 Mr. Finkelstein had confirmed that he
5 understood the judge's instructions.

6 We're ready to move forward.

7 BY MR. MIZRAHI:

8 Q. Mr. Antolini, besides this
9 lawsuit have you been involved in any other
10 legal claims or any other lawsuits?

11 A. Yes.

12 Q. Can you tell me what they are?

13 A. I'm not sure. I don't know.

14 Q. Okay. Do you know
15 approximately how many other lawsuits there
16 were in total?

17 THE COURT REPORTER:

18 Mr. Finkelstein, you're on mute.

19 MR. FINKELSTEIN: He just said
20 he doesn't know. If he doesn't know
21 something, you don't have to keep
22 repeating it and harassing him as
23 opposed to if he says I'm not sure;
24 then, of course, you have the right
25 to probe, but if someone doesn't know

1 D. ANTOLINI

2 something, mister, you don't get to
3 keep asking him questions about
4 something he doesn't know.

5 MR. MIZRAHI: Susan, I'm going
6 to be calling the Court again. If
7 you could please just take this for
8 the record.

9 I'm going to be calling the
10 Court again. If you could please
11 just take this for the record.

12 MR. FINKELSTEIN: Just for the
13 record, I'm allowed -- that's my
14 objection, but I'll allow him to
15 answer the question. I never said he
16 couldn't answer.

17 (Phone ringing.)

18 THE COURT: Hello?

19 MR. MIZRAHI: Good morning
20 again, Your Honor. This is Jason
21 Mizrahi calling again.

22 I don't have opposing counsel
23 or the reporter on the line, but they
24 can currently hear me as we're on
25 speaker phone.

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We're less than one minute after we hung up, and we're already dealing with the same issue again. If you would like, I can have the Court Reporter read verbatim the instruction that was just given by Mr. Finkelstein to his client.

It's clear that he is not listening to Your Honor's order. I really would just ask that Your Honor, you know, help me out here. I really don't want to be able to waste the Court's time anymore today.

THE COURT: There are going to be no other calls after this one today. If you can get anyone you want on the line.

MR. MIZRAHI: Your Honor, thank you. Give me one moment while I reach the Court Reporter and opposing counsel.

(Phone ringing.)

THE COURT REPORTER: Hi, this is Susan, the Court Reporter. I'm on

1 D. ANTOLINI

2 the line.

3 (Phone ringing.)

4 THE COURT REPORTER: Can you
5 hear me, Counsel?

6 THE COURT: This is Judge
7 Aaron. I can hear you.

8 THE COURT REPORTER: Oh, hi,
9 Judge. This is Susan, the Court
10 Reporter.

11 THE COURT: Hello.

12 MR. MIZRAHI: Your Honor,
13 you're still on the line?

14 THE COURT: I'm here.

15 MR. MIZRAHI: Your Honor, if
16 you'd like, I can have the Court
17 Reporter read back the recent
18 speaking objection by
19 Mr. Finkelstein.

20 It's clear that he's not
21 heeding -- he's not listening to Your
22 Honor's very clear instruction. If
23 he continues to lodge improper
24 speaking objections, he's --

25 THE COURT: Let's hear the

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question and what Mr. Finkelstein
said.

MR. MIZRAHI: Susan, if you
could please repeat my question and
Mr. Finkelstein's speaking objection.

THE COURT REPORTER: Okay,
sure. Let me just go back up.

(Whereupon, the referred to
portion was read back by the
Reporter.)

THE COURT: Mr. Finkelstein,
was there something you didn't
understand about my prior ruling?

MR. FINKELSTEIN: No, I
understood it 110 percent. But I've
been doing depositions for God knows
how many years, state and federal.
If the witness doesn't know
something, Your Honor, and I say this
very respectfully; I mean, the most
respect I can -- I can muster, you
don't get to continue to ask
questions if somebody doesn't know
something. If you don't know the

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2 answer to a question, you don't know
3 it.

4 But as I said on my objection
5 -- by the way, I didn't say he can't
6 answer it. I never precluded him
7 from answering the question.

8 THE COURT: Right. But that is
9 a classic speaking objection.
10 Classic. You're allowed to say the
11 word objection. That's it.

12 There will be no -- there will
13 be no further telephone calls to me
14 during this deposition. I'm saying
15 this, however: I'm going to get a
16 copy of this transcript in the event
17 that the speaking objections
18 continue, and I will impose sanctions
19 for each and every speaking objection
20 you make, Mr. Finkelstein.

21 I haven't figured out what the
22 -- what the number is, what the
23 dollar figure is, but it will be
24 significant.

25 So if you choose to continue

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behaving in this manner in violation of my ruling, there will be financial consequences associated with it.

I will take no further phone calls today. I'm not taking any other phone calls. I've already ruled.

If I thought there were harassment of any kind going on here, then I would certainly not be making the ruling I'm making. Instead, what I'm making is a very clear ruling.

You're allowed to make objections to preserve your objections for later use simply by saying the word objection.

If there's any attorney/client privileged information being sought you're allowed to give an instruction not to answer. Otherwise, you're a potted plant. That's what a -- in federal court, that's what defense counsel is during a deposition, a potted plant, except to preserve your

1 D. ANTOLINI

2 record, you're allowed to state the
3 word objection.

4 And then if the question
5 happens to be -- your objection
6 happens to be valid, if Mr. Mizrahi
7 later tries to use the answer, he
8 can't. That's the way we protect
9 your client, and that's the way we
10 preserve objections in federal court.

11 So it's quite simple. If you
12 continue to make speaking objections,
13 there will be financial consequences
14 associated with it.

15 Any questions?

16 Mr. Finkelstein, I take it from
17 your silence that you have no
18 questions?

19 MR. FINKELSTEIN: Oh, I was
20 letting him go first.

21 No, I don't have any questions.
22 Just, of course, my objection to your
23 ruling, but I have no questions. No,
24 sir.

25 THE COURT: Whatever objection

1 D. ANTOLINI

2 you have to my ruling, that's all
3 well and good, but you better abide
4 by it.

5 Any questions from you
6 Mr. Mizrahi?

7 MR. MIZRAHI: No, Your Honor.
8 Thank you for your attention. We
9 appreciate it.

10 THE COURT: Okay. Thank you.
11 So long.

12 (Whereupon, the call to the
13 Court ended.)

14 MR. MIZRAHI: Susan, are you
15 with us?

16 THE COURT REPORTER: Yes. Can
17 you hear me?

18 MR. MIZRAHI: Yes.

19 THE COURT REPORTER: Okay.

20 MR. MIZRAHI: Susan, I'm sure
21 that you took down everything that
22 Judge Aaron had said a moment ago?

23 THE COURT REPORTER: Yes.

24 MR. MIZRAHI: For the record,
25 I'd like to state that we had a

1 D. ANTOLINI

2 followup phone conference with the
3 Court lasting approximately eight
4 minutes.

5 The results of the second
6 telephonic conference was a further
7 instruction by the Honorable Judge
8 Aaron repeating his earlier
9 instruction for plaintiff's counsel
10 to refrain from making any improper
11 speaking objections.

12 Magistrate Judge Aaron
13 specifically stated that if he's
14 going to be continuing to make any
15 speaking -- improper speaking
16 objections, that he will be
17 sanctioning plaintiff's counsel
18 and/or plaintiff.

19 MR. FINKELSTEIN: Actually --
20 Susan, are we on the record?

21 THE COURT REPORTER: Yes.

22 MR. FINKELSTEIN: Good.

23 Actually, I don't remember him
24 saying and the plaintiff, himself,
25 but I guess the record speaks for

1 D. ANTOLINI

2 itself.

3 Dino, how are you doing? You
4 all right?

5 THE WITNESS: Not really.

6 (Indiscernible).

7 MR. FINKELSTEIN: What, Dino?

8 THE COURT REPORTER: I didn't
9 hear what you said after not really.

10 THE WITNESS: My iPad has
11 26 percent.

12 THE COURT REPORTER: 26
13 percent. His iPad has 26 percent.

14 THE WITNESS: So I hope I could
15 -- I might have to recharge it.

16 MR. FINKELSTEIN: See if you
17 can charge it up, Dino. See if you
18 can charge it up.

19 THE WITNESS: Okay.

20 MR. FINKELSTEIN: If your
21 grandson is there, let him help you.

22 THE WITNESS: Okay.

23 MR. FINKELSTEIN: All right.
24 Let's continue.

25 MR. MIZRAHI: Mr. Antolini, if

1 D. ANTOLINI

2 you want to take a moment to do that
3 right now so we won't have any issues
4 moving forward, do you want to plug
5 it into the charger right now before
6 we continue?

7 THE WITNESS: So the problem is
8 the cord is not long enough. I'm
9 sitting on the scooter, and to do
10 that, I have to leave it on the bed.
11 I don't have access.

12 MR. MIZRAHI: We're going to
13 need to charge it if it runs low
14 today, but why don't we just continue
15 in the meantime, okay?

16 THE WITNESS: Okay.

17 Q. Mr. Antolini, I'm showing you a
18 document that's going to be marked
19 Defendant's Exhibit A for identification.

20 This is a document, an
21 October 22, 2019 -- an Answer With
22 Affirmative Defenses and Counterclaims.

23 Do you see the document,
24 Mr. Antolini?

25 A. Yeah.

1 D. ANTOLINI

2 Q. Mr. Antolini, please take a
3 moment to familiarize yourself with the
4 document. I will be scrolling through it.
5 If you need more time, just let me know as
6 I go through it, okay?

7 A. Okay.

8 Okay, you can go ahead.

9 Q. Mr. Antolini, do you recognize
10 this document?

11 MR. FINKELSTEIN: Dino, did you
12 say no? I didn't hear you.

13 A. I'm not sure.

14 MR. FINKELSTEIN: Oh, okay. I
15 didn't hear you. Not sure.

16 Q. Mr. Antolini, are you aware
17 that the defendants in this action have
18 asserted counterclaims against you?

19 A. No.

20 Q. Mr. Antolini, I'm showing you
21 two photographs -- I'm showing you four
22 photographs.

23 Do you see them?

24 A. Yeah.

25 Q. These are four photographs that

1 D. ANTOLINI

2 were filed in Complaints that were filed in
3 your name?

4 A. Yeah.

5 Q. Do you see these photographs?

6 A. Yeah.

7 Q. Mr. Antolini, did you take
8 these photographs?

9 A. No.

10 Q. Do you know who did take these
11 photographs?

12 A. I don't know.

13 Q. Mr. Antolini, you said that
14 your current home address is 8007 Bell
15 Boulevard in Queens, New York?

16 MR. FINKELSTEIN: Objection to
17 form.

18 A. Yes.

19 Q. How long have you been living
20 at this address?

21 A. (Indiscernible.)

22 THE COURT REPORTER: Can you
23 repeat that?

24 THE WITNESS: 4-0.

25 THE COURT REPORTER: 4-0?

1 D. ANTOLINI

2 THE WITNESS: Yes.

3 THE COURT REPORTER: Thank you.

4 Q. You said 40 years? 4-0?

5 A. Yeah.

6 Q. Okay. That's quite some time.

7 MR. FINKELSTEIN: Objection to
8 form.

9 Q. Mr. Antolini, what do you do
10 for a living?

11 MR. FINKELSTEIN: Objection to
12 form.

13 A. (Indiscernible.)

14 THE COURT REPORTER: Can you
15 repeat that?

16 THE WITNESS: Retired,
17 disabled.

18 THE COURT REPORTER: Retired,
19 disabled?

20 THE WITNESS: Yes.

21 Q. Retired, disabled?

22 A. Yes.

23 Q. And how long have you been
24 retired, Mr. Antolini?

25 A. More than 20 years. I just

1 D. ANTOLINI

2 celebrated my 10th anniversary for
3 disability from Social Security.

4 Q. And your Social Security
5 benefits, are those your primary source of
6 income?

7 A. Yes.

8 MR. FINKELSTEIN: Objection to
9 form and irrelevance, et cetera, et
10 cetera.

11 Q. Besides your Social Security
12 benefits, do you have any other sources of
13 income?

14 MR. FINKELSTEIN: Objection.
15 Irrelevant and immaterial.

16 A. Yeah, my other pension
17 (indiscernible).

18 THE COURT REPORTER: My other
19 pension? What did you say after
20 that?

21 THE WITNESS: Disability.

22 THE COURT REPORTER: Disability.

23 THE WITNESS: From the state.

24 THE COURT REPORTER: From the
25 state. Okay.

1 D. ANTOLINI

2 Q. Mr. Antolini, besides your
3 Social Security benefits and your pension
4 disability from the state, do you have any
5 other sources of income?

6 A. No.

7 MR. FINKELSTEIN: Irrelevant,
8 immaterial. Objection.

9 Q. Mr. Antolini, could you repeat
10 that?

11 MR. FINKELSTEIN: He said no.

12 A. No.

13 MR. MIZRAHI: Susan, please
14 note plaintiff's counsel's improper
15 speaking objection for the record.

16 MR. FINKELSTEIN: Susan, just
17 for the record to be clear, when
18 Mr. Antolini said no, did you hear
19 him say no and record that?

20 THE COURT REPORTER: I did.

21 MR. FINKELSTEIN: Thank you.

22 Can you put that conversation
23 on the record that you and I just
24 had, please?

25 THE COURT REPORTER: Sure.

1 D. ANTOLINI

2 MR. FINKELSTEIN: Thank you. I
3 appreciate it.

4 Q. Mr. Antolini, I just want to be
5 clear. Besides your Social Security
6 benefits and your pension disability fund
7 from the state, do you have any other
8 sources of income?

9 A. No.

10 MR. FINKELSTEIN: Objection.
11 Asked and answered. Objection to
12 form.

13 Q. Mr. Antolini, can you repeat
14 that? I didn't hear you.

15 A. No.

16 Q. Okay. And how long have you
17 been receiving Social Security benefits?

18 MR. FINKELSTEIN: Objection.

19 A. Ten years.

20 Q. Did you say ten years,
21 Mr. Antolini?

22 A. Yeah.

23 Q. And how long have you been
24 receiving your other pension disability
25 from the state?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. Like, (indiscernible).

4 THE COURT REPORTER: Repeat
5 that?

6 Q. I'm sorry, Mr. Antolini, how
7 long?

8 A. Seven.

9 THE COURT REPORTER: Seven?

10 THE WITNESS: Yeah.

11 Q. And, Mr. Antolini, has that
12 amount changed in total year over year?

13 MR. FINKELSTEIN: Objection.

14 Irrelevant and immaterial --

15 A. It goes up for --

16 MR. FINKELSTEIN: Hold on a
17 second, Dino. Dino, hold on a
18 second. Just let me make my
19 objection.

20 And my continuing objection as
21 to regarding Mr. Antolini's income
22 for the past 7 years, 10 years or
23 20 years. Thank you much.

24 MR. MIZRAHI: Susan, please
25 note plaintiff's counsel's improper

1 D. ANTOLINI

2 speaking objection for the record.

3 Q. Mr. Antolini, has that -- the
4 amount that you received in Social Security
5 benefits or pension disability benefits,
6 has that amount changed year over year?

7 MR. FINKELSTEIN: Objection.

8 A. Cost of living increase.

9 Q. I understand if your cost of
10 living has increased, but did your benefits
11 increase as well?

12 MR. FINKELSTEIN: Objection.

13 A. I don't know what you're
14 saying.

15 Q. Let me try and rephrase it.
16 How much money did you receive
17 in 2017 in --

18 A. I don't know.

19 MR. FINKELSTEIN: Objection.

20 Q. Can you estimate?

21 MR. FINKELSTEIN: Objection.

22 A. (Indiscernible) I got Social
23 Security and my state disability.

24 THE COURT REPORTER: The answer
25 I heard was I got state -- sorry, I

1 D. ANTOLINI

2 got Social Security and my state
3 disability. I didn't hear what you
4 said before that. Was that all you
5 said?

6 THE WITNESS: Yeah, whatever
7 that was.

8 Q. Mr. Antolini, approximately how
9 much do you receive each month in Social
10 Security and in --

11 MR. FINKELSTEIN: Objection.

12 Q. -- disability?

13 MR. FINKELSTEIN: Objection.

14 A. Right now it's approximately
15 \$4,000.

16 Q. And has it always been \$4,000 a
17 month?

18 MR. FINKELSTEIN: Objection.

19 A. No. I told you it goes up by
20 cost of living. (Indiscernible).

21 Q. I didn't catch that. Could you
22 repeat that, please?

23 MR. FINKELSTEIN: Hold on a
24 second.

25 Madam Court Reporter -- hold

1 D. ANTOLINI

2 on, Dino.

3 Madam Court Reporter, did you
4 transcribe what Mr. Antolini's
5 response was?

6 THE COURT REPORTER: I heard
7 him say, No, I told you it goes up by
8 cost of living.

9 MR. FINKELSTEIN: Okay. Thank
10 you.

11 Q. Mr. Antolini, would you say
12 that you received about \$4,000 a month in
13 total benefits --

14 MR. FINKELSTEIN: Objection.

15 Q. -- in 2017?

16 MR. FINKELSTEIN: Same
17 objection.

18 A. No.

19 Q. Was it more or less?

20 A. Less.

21 MR. FINKELSTEIN: Objection.

22 Q. Approximately how much did you
23 receive each month in 2017?

24 MR. FINKELSTEIN: Objection.

25 A. I don't remember.

1 D. ANTOLINI

2 Q. Was it \$3,000 a month?

3 MR. FINKELSTEIN: Objection.

4 A. Probably more.

5 Q. Okay. Between \$3,000 and
6 \$4,000 a month?

7 A. Yeah.

8 Q. What about in 2018?

9 A. I don't know.

10 MR. FINKELSTEIN: Objection.

11 A. You're asking me the same
12 question. It goes up with cost of living.

13 Q. Mr. Antolini, I understand if
14 you don't know the exact figure.

15 Do your best to estimate
16 though, okay?

17 MR. FINKELSTEIN: Objection.

18 A. I don't know.

19 Q. In 2018, was it also about
20 \$3,000 or \$4,000 a month?

21 MR. FINKELSTEIN: Same
22 objection.

23 A. It was between that, yeah.

24 Q. Okay. Would you say it's been
25 the same in 2019?

1 D. ANTOLINI

2 A. It goes up incrementally, cost
3 of living.

4 Q. Okay. Would you say that it
5 was between \$3,000 and \$4,000 a month in
6 2019?

7 A. Yeah.

8 MR. FINKELSTEIN: Same
9 objection all along these questions,
10 please. Thank you.

11 Q. Would you say it's also between
12 \$3,000 and \$4,000 a month in 2020?

13 A. Correct.

14 Q. Okay. Mr. Antolini, is it fair
15 to say that in 2017 through 2020, your
16 total income from these benefits were
17 between \$36,000 --

18 MR. FINKELSTEIN: Objection.

19 Q. -- and \$48,000?

20 A. I don't know the exact figure.

21 Q. Would you say it's about that
22 amount, \$36,000 to \$48,000?

23 A. I'm not sure.

24 Q. Okay. You can use your
25 estimation, Mr. Antolini.

1 D. ANTOLINI

2 A. If I had a calculator

3 (indiscernible).

4 THE COURT REPORTER: I'm sorry,

5 I'm not understanding. Hang on.

6 Hang on.

7 I heard, If I had a calculator,

8 but I didn't hear what you said after

9 that.

10 THE WITNESS: I would calculate

11 how much. Remember, every year it

12 goes up by cost of living.

13 Q. Mr. Antolini --

14 A. Ballpark figure.

15 Q. Mr. Antolini, the two numbers

16 that I just stated, \$36,000 and \$48,000, I

17 calculated that by multiplying 3,000 times

18 12 and 4,000 times 12.

19 MR. FINKELSTEIN: Objection.

20 Q. So I just wanted to say, would

21 that be a fair approximation of your gross

22 annual income based on your total benefits

23 received, \$36,000 a year to \$48,000 a year?

24 MR. FINKELSTEIN: Objection.

25 A. Right now.

1 D. ANTOLINI

2 Q. Right now, okay.

3 And how many people do you have
4 in your current household, Mr. Antolini?

5 MR. FINKELSTEIN: Objection.

6 A. Two.

7 Q. Who are those individuals?

8 A. Myself and my mother.

9 Q. Okay. And does your mother
10 currently work?

11 A. No.

12 MR. FINKELSTEIN: Objection.

13 Objection.

14 A. She's 94. Right now in a
15 nursing home.

16 Q. In a nursing home. Okay.

17 MR. FINKELSTEIN: Objection.

18 Q. And Mr. Antolini, are you
19 currently married?

20 MR. FINKELSTEIN: Objection.

21 A. Yeah.

22 Q. And does your wife live with
23 you as well?

24 A. No.

25 Q. And where does your wife live?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. In Manhattan.

4 Q. Mr. Antolini, do you receive
5 any other sources of income besides the --
6 you know, from any other individual?

7 MR. FINKELSTEIN: Objection.

8 Asked and answered.

9 A. I don't know what you mean.
10 Not income.

11 Q. Mr. Antolini, do you have a
12 cell phone?

13 MR. FINKELSTEIN: Objection.

14 A. Yes.

15 Q. Mr. Antolini, how long have you
16 had the same cell phone number for?

17 A. Maybe one year.

18 THE COURT REPORTER: Did you
19 say one year?

20 THE WITNESS: Yeah.

21 A. I had several.

22 Q. Excuse me?

23 A. I had several cell phones.

24 Q. You have several cell phones?

25 A. Yes.

1 D. ANTOLINI

2 Q. Do you currently have several
3 cell phones or have you --

4 A. Just one.

5 MR. FINKELSTEIN: Objection.

6 Q. What is your cell phone number,
7 Mr. Antolini?

8 A. 917-985-1803.

9 Q. I'm going to repeat that. That
10 was 917-985-1803?

11 A. Correct.

12 MR. FINKELSTEIN: I'm going to
13 object to that. I'm going to object
14 to that. I'm going to ask that it be
15 stricken from the record. That goes
16 to attorney/client privileged phone
17 calls to me and my phone calls to
18 him. Objection.

19 And that we'll mark for a
20 ruling, Susan, so I can take that --
21 I can write to the judge on that.

22 MR. MIZRAHI: Susan, Susan,
23 please note plaintiff's counsel's
24 improper speaking objection for the
25 record.

1 D. ANTOLINI

2 MR. FINKELSTEIN: She's getting
3 it all down, hopefully.

4 Q. Mr. Antolini, have you had the
5 same cell phone number?

6 MR. FINKELSTEIN: Objection.

7 A. I got that recently; one year.

8 Q. Okay. And what was your cell
9 phone number previously?

10 A. I don't remember.

11 MR. FINKELSTEIN: Objection.

12 Q. Mr. Antolini, what cell phone
13 carrier do you currently have?

14 A. Right now? (Indiscernible).

15 THE COURT REPORTER: Repeat
16 that?

17 THE WITNESS: Spectrum.

18 THE COURT REPORTER: Spectrum?

19 THE WITNESS: Yeah.

20 THE COURT REPORTER: Thank you.

21 Q. Mr. Antolini, why did you
22 change your cell phone number?

23 A. Cost.

24 MR. FINKELSTEIN: Objection.

25 A. Cost.

1 D. ANTOLINI

2 THE COURT REPORTER: Cost?

3 THE WITNESS: Cost and
4 reliability. Better deal.

5 Q. You said you got a better deal?

6 A. Correct.

7 Q. Do you know who your old
8 carrier was?

9 MR. FINKELSTEIN: Objection.
10 Objection.

11 A. No.

12 Q. Mr. Antolini, can you try and
13 recall who your old carrier was?

14 MR. FINKELSTEIN: Objection.

15 A. (Indiscernible.)

16 THE COURT REPORTER: Can you
17 repeat that?

18 THE WITNESS: What?

19 THE COURT REPORTER: I didn't
20 hear what you said, I'm sorry.

21 THE WITNESS: Great Call.

22 THE COURT REPORTER: Great
23 Call?

24 THE WITNESS: Yes.

25 MR. FINKELSTEIN: Same

1 D. ANTOLINI

2 objection.

3 A. Cell phones for seniors.

4 Q. Mr. Antolini, before you
5 changed cell phone carriers to Spectrum,
6 how long did you have that carrier for?

7 MR. FINKELSTEIN: Objection.

8 A. I don't remember.

9 Q. Mr. Antolini --

10 A. I change it a lot, my email.

11 Q. Can you repeat that?

12 A. My email, I do the same. I
13 have a new one, because they say to protect
14 your identity, to change.

15 THE WITNESS: You got that?

16 THE COURT REPORTER: I did.

17 A. For security reasons, I change
18 my email address.

19 Q. Mr. Antolini, did you have any
20 other carrier besides Great Call --

21 MR. FINKELSTEIN: Objection.

22 Q. -- and Spectrum?

23 A. Maybe Consumer Cellular.

24 MR. FINKELSTEIN: Hold on one
25 second, please.

1 D. ANTOLINI

2 Susan, I'm looking at my Zoom
3 thing here, it says five
4 participants. Besides us four, do
5 you know who else the fifth one is?

6 THE COURT REPORTER: The
7 videographer.

8 MR. FINKELSTEIN: Oh, okay.
9 Thank you.

10 Q. Mr. Antolini, do you recall
11 what cell phone carrier you had in 2019?

12 MR. FINKELSTEIN: Objection.

13 A. No.

14 Q. Mr. Antolini, a moment ago that
15 you said that you had an email address that
16 you've been using for a very long time?

17 A. No. I change it all the time.
18 I change it frequently. Right now,
19 antolinidino757@gmail.com.

20 MR. FINKELSTEIN: Same
21 objection, based on privilege.

22 Dino, do me a favor. Please
23 let me speak after he asks a
24 question. I want to preserve the
25 record and make my objections, okay,

1 D. ANTOLINI

2 before you answer.

3 THE WITNESS: Okay.

4 MR. FINKELSTEIN: Thank you.

5 Q. Mr. Antolini, besides the cell
6 phone number ending in 1803, do you recall
7 your old cell phone number?

8 MR. FINKELSTEIN: Objection.

9 A. No.

10 Q. Do you know if that information
11 would be written down anywhere?

12 MR. FINKELSTEIN: Objection.

13 A. I don't know.

14 Q. Do you know if you would have
15 had it on a record, like a bill or a
16 statement?

17 A. No. (Indiscernible).

18 THE COURT REPORTER: I didn't
19 hear what you said after no.

20 THE WITNESS: Paperless.

21 Paperless.

22 THE COURT REPORTER: Paperless.

23 THE WITNESS: Yes.

24 Q. Mr. Antolini, besides the email
25 address that you've just given me,

1 D. ANTOLINI

2 antolinidino757@gmail.com, did you have any
3 other email addresses that you recall?

4 MR. FINKELSTEIN: Objection.

5 A. I don't remember the name.

6 Q. Can you just take a minute to
7 try and recall them?

8 MR. FINKELSTEIN: Objection.

9 A. Could be anything. I don't
10 know.

11 Q. Mr. Antolini, did you own a
12 cell phone in 2019?

13 MR. FINKELSTEIN: Objection.

14 A. Yeah.

15 Q. Would you say that you used
16 your cell phone every day?

17 A. No.

18 MR. FINKELSTEIN: Objection.

19 Irrelevant, immaterial, harassing and
20 annoying.

21 Objection. Privileged.

22 MR. MIZRAHI: Susan, please
23 note the improper speaking objection
24 for the record.

25 Q. You had said that you had a

1 D. ANTOLINI

2 cell phone in 2019, right?

3 MR. FINKELSTEIN: Objection.

4 Objection.

5 Dino, did you answer? I didn't

6 hear.

7 Q. Mr. Antolini?

8 A. I'm here.

9 Q. Is it your testimony that you
10 had a cell phone in 2019?

11 MR. FINKELSTEIN: Objection.

12 Dino, did you hear his
13 question?

14 THE WITNESS: I heard.

15 MR. FINKELSTEIN: What's the
16 answer? Give him an answer.

17 A. I had, yeah.

18 MR. FINKELSTEIN: Okay. Thank
19 you.

20 Q. Do you always carry your cell
21 phone with you whenever you go in and out
22 of the house?

23 MR. FINKELSTEIN: Objection.

24 A. Most of the time. Sometimes I
25 forget.

1 D. ANTOLINI

2 Q. Mr. Antolini, can you tell me a
3 little bit about how you traveled to and
4 from your home?

5 MR. FINKELSTEIN: Objection.
6 You can answer.

7 A. (Indiscernible) taxi, car
8 service.

9 THE COURT REPORTER: I heard
10 you say taxi, car service.

11 MR. MIZRAHI: Susan, you're on
12 mute.

13 THE COURT REPORTER: Sorry
14 about that.

15 I heard you say taxi and car
16 service.

17 THE WITNESS: Express bus.

18 THE COURT REPORTER: Express
19 bus. Thank you.

20 Q. Can you -- I'm not familiar
21 with express bus. What is it?

22 MR. FINKELSTEIN: Objection.

23 A. MTA.

24 Q. You had mentioned it's an MTA
25 service?

1 D. ANTOLINI

2 A. Yes, express bus.

3 MR. FINKELSTEIN: Objection.

4 A. They have an express service
5 now. They have it for at least 20 years.

6 Q. Do you call them and make an
7 appointment to travel?

8 A. No. They have a schedule. It
9 comes every hour.

10 Q. And did you use any other way
11 to travel besides that -- besides that --

12 MR. FINKELSTEIN: Objection.

13 Q. -- MTA?

14 MR. FINKELSTEIN: Objection.

15 A. Taxi or the car service.

16 Q. Either a taxi or a car service
17 or the MTA transit.

18 MR. FINKELSTEIN: Objection.

19 Q. Got it.

20 Dino --

21 A. Car service and taxi are very
22 costly. Right now the express bus is very
23 convenient.

24 Q. Yeah.

25 And Mr. Antolini, when you

1 D. ANTOLINI

2 travel, do you normally travel by yourself,
3 or do you travel with someone else?

4 A. Myself and my wife.

5 Q. Do you mostly travel with your
6 wife, or do you mostly travel alone?

7 MR. FINKELSTEIN: Objection.

8 A. By myself.

9 Q. Mr. Antolini, do you have any
10 dietary restrictions?

11 MR. FINKELSTEIN: Objection.

12 A. Lactose intolerant, low sodium.

13 Q. Mr. Antolini, do you have any
14 favorite restaurants?

15 MR. FINKELSTEIN: Objection.

16 A. I go everywhere.

17 Q. Can you tell me some of your
18 favorites?

19 MR. FINKELSTEIN: Objection.

20 A. (Indiscernible).

21 THE COURT REPORTER: Hang on.

22 I'm not hearing his answer.

23 THE WITNESS: Okay.

24 THE COURT REPORTER: Can you
25 repeat?

1 D. ANTOLINI

2 A. (Indiscernible.)

3 Q. Mr. Antolini, can you spell
4 that?

5 A. Sushi.

6 THE COURT REPORTER: Sushi?

7 THE WITNESS: Yeah.

8 A. (Indiscernible.)

9 THE COURT REPORTER: I'm not
10 understanding, I'm sorry.

11 A. Like Tokyo, Japan, Japanese.

12 Q. Japanese?

13 A. Yes.

14 Q. And what about the names of
15 some of your favorite restaurants?

16 MR. FINKELSTEIN: Objection.

17 A. Hello?

18 MR. FINKELSTEIN: Note my
19 objection, please, Susan. Thank you.

20 Q. Mr. Antolini?

21 A. Yes.

22 Q. Can you tell me the names of
23 some of your favorite restaurants?

24 MR. FINKELSTEIN: Objection.

25 A. Kind, K-I-N-D.

1 D. ANTOLINI

2 THE COURT REPORTER: Kind?

3 THE WITNESS: Yes.

4 Q. I'm not familiar with that one.

5 Where is that restaurant, Mr. Antolini?

6 MR. FINKELSTEIN: Objection.

7 A. In Queens. Queens.

8 Q. Is that close by your house?

9 A. Yes.

10 Q. Do you mostly -- do you mostly
11 eat in your neighborhood when you go out to
12 eat?

13 MR. FINKELSTEIN: Objection.

14 A. Right now, with the COVID,
15 mostly delivery or eat at home.

16 Q. You said mostly because of
17 COVID, you just eat at home?

18 MR. FINKELSTEIN: Objection.

19 Yeah.

20 Q. And before COVID, would you
21 normally eat in your neighborhood?

22 A. Yes.

23 Q. And Mr. Antolini, do you have
24 any other favorite restaurants besides
25 Kind?

1 D. ANTOLINI

2 A. Where? In Queens or in
3 Manhattan?

4 Q. Any of your favorite
5 restaurants?

6 MR. FINKELSTEIN: Objection.

7 A. I don't remember all of the
8 names.

9 Q. What do you recall besides --
10 what do you recall besides Kind?

11 MR. FINKELSTEIN: Same
12 objection.

13 A. (Indiscernible).

14 THE COURT REPORTER: I'm not
15 hearing that.

16 THE WITNESS: (Indiscernible.)

17 THE COURT REPORTER: I'm not
18 getting that, Counsel. I'm not
19 understanding.

20 A. El Caridad. E-L C-A-R-I-D-A-D.

21 Q. El Caridad?

22 A. Yes.

23 THE COURT REPORTER: Got it.

24 Q. You said that was a Dominican
25 res -- - you said that was a Dominican

1 D. ANTOLINI

2 restaurant?

3 A. Yes.

4 MR. FINKELSTEIN: Objection.

5 Q. Where is that restaurant?

6 A. (Indiscernible.)

7 MR. FINKELSTEIN: Same

8 objection.

9 THE COURT REPORTER: I didn't
10 hear the answer.

11 MR. FINKELSTEIN: Sorry.

12 A. (Indiscernible.)

13 THE COURT REPORTER: Can you
14 repeat that?

15 THE WITNESS: Uptown.

16 (Indiscernible.)

17 THE COURT REPORTER: I'm
18 hearing something harbor? Uptown?

19 THE WITNESS: No.

20 (Indiscernible).

21 Q. Mr. Antolini, can you spell it
22 for us?

23 A. (Indiscernible.)

24 MR. FINKELSTEIN: Dino, I know
25 you're upset, but when you yell, you

1 D. ANTOLINI

2 come in a little distorted, so say it
3 softly.

4 THE WITNESS: Okay.

5 A. The restaurant is located in
6 (indiscernible) Harlem, in Manhattan.

7 Q. South Harlem?

8 A. (Indiscernible.)

9 MR. FINKELSTEIN: Spell that
10 last word. Dino, spell that last
11 word, please.

12 A. S-P-A-N-I-S-H H-A-R-L-E-M.

13 MR. FINKELSTEIN: Thanks.

14 Q. So El Caridad, that restaurant
15 is in Harlem?

16 A. Yeah.

17 MR. FINKELSTEIN: Objection.

18 A. Spanish Harlem.

19 Q. Okay. And other than Kind and
20 other than El Caridad, can you tell me any
21 of your other favorite restaurants?

22 MR. FINKELSTEIN: Objection.

23 A. No. I don't remember all of
24 the names.

25 Q. Okay.

1 D. ANTOLINI

2 A. (Indiscernible.)

3 Q. What was that?

4 A. I go at least 20 to 30
5 different restaurants.

6 Q. Okay.

7 A. (Indiscernible.)

8 Q. Mr. Antolini, do you currently
9 drink alcohol?

10 MR. FINKELSTEIN: Objection.

11 You can answer. Go ahead.

12 A. Yeah. I have a glass of wine
13 or two a day. (Indiscernible).

14 THE COURT REPORTER: I'm sorry,
15 I didn't hear -- hang on. I didn't
16 hear -- I heard, I have a glass of
17 wine or two a day. I didn't hear
18 what you said after that.

19 THE WITNESS: No. A glass of
20 wine. Wine.

21 THE COURT REPORTER: A glass of
22 wine --

23 THE WITNESS: Or two.

24 THE COURT REPORTER: -- or two
25 a day. That's what I heard. I

1 D. ANTOLINI

2 didn't hear what you said after that.

3 THE WITNESS: If I go out, I
4 have a wine spritzer.

5 THE COURT REPORTER: A wine
6 spritzer. Okay.

7 THE WITNESS: Correct.

8 Q. You have a glass of wine or two
9 a day?

10 MR. FINKELSTEIN: Objection.
11 Asked and answered.

12 A. I said that.

13 Q. And besides a glass of wine or
14 two a day, do you have any other alcohol --

15 A. No.

16 Q. -- a day?

17 A. No.

18 MR. FINKELSTEIN: Objection.

19 Q. How many drinks on average do
20 you have per week, Mr. Antolini?

21 MR. FINKELSTEIN: Objection.

22 A. I don't know.

23 Q. Do you drink any other alcohol
24 besides wine?

25 MR. FINKELSTEIN: Asked and

1 D. ANTOLINI

2 answered. Objection.

3 A. (Indiscernible.)

4 THE COURT REPORTER: I'm sorry,
5 I didn't hear that.

6 THE WITNESS: In the past.

7 Q. What about right now; do you
8 have any other alcohol right now besides
9 wine?

10 A. No.

11 MR. FINKELSTEIN: Objection.

12 Q. Mr. Antolini, when was the last
13 time that you dined out either for a meal
14 or to have a cocktail?

15 MR. FINKELSTEIN: Objection.

16 A. Yesterday.

17 Q. Where did you go?

18 MR. FINKELSTEIN: Objection.

19 A. (Indiscernible.)

20 THE COURT REPORTER: Can you
21 repeat that?

22 THE WITNESS: (Indiscernible).

23 THE COURT REPORTER: I'm not
24 hearing it.

25 THE WITNESS: (Indiscernible).

1 D. ANTOLINI

2 In Manhattan.

3 THE COURT REPORTER: Can you
4 spell it one more time?

5 THE WITNESS: (Indiscernible.)

6 THE COURT REPORTER:
7 V-I-L-L-A-G-E?

8 THE WITNESS: Yeah. Manhattan.

9 THE COURT REPORTER: Thank you.

10 Q. Where in Manhattan was that,
11 Mr. Antolini?

12 MR. FINKELSTEIN: Objection.

13 A. I just said that. The village;
14 V-I-L-L-A-G-E.

15 Q. Where in Manhattan is that?

16 A. (Indiscernible.)

17 THE COURT REPORTER: Repeat
18 that?

19 THE WITNESS: Greenwich
20 Village.

21 Q. In Greenwich village?

22 A. Yes.

23 Q. Mr. Antolini, how often do you
24 dine out in 2018?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. You're asking me about three
3 years ago? That's ridiculous. I have no
4 idea.

5 Q. I know it's hard to think of an
6 exact figure, but just use -- use your --
7 use your best judgment?

8 A. (Indiscernible.)

9 MR. FINKELSTEIN: Objection.

10 Q. I'm sorry, what was that,
11 Mr. Antolini?

12 A. One hundred to a thousand.
13 That's my best estimate.

14 Q. Mr. Antolini, I didn't hear
15 that?

16 A. One hundred to a thousand.

17 Q. One hundred to a thousand
18 restaurants?

19 A. Yeah.

20 MR. FINKELSTEIN: Objection.

21 Q. Here, why don't we start now.

22 Mr. Antolini, how many times
23 have you dined out in 2021?

24 MR. FINKELSTEIN: Objection.

25 Asked and answered and objection.

1 D. ANTOLINI

2 A. Not much.

3 Q. Because of the pandemic?

4 A. Yes.

5 MR. FINKELSTEIN: Objection.

6 Q. And what about before the
7 pandemic, how often did you dine out?

8 MR. FINKELSTEIN: Objection.

9 A. Every week, once a week.

10 Q. Where did you normally go?

11 MR. FINKELSTEIN: Objection.

12 A. Anywhere.

13 Q. What were your favorite
14 restaurants to go to?

15 MR. FINKELSTEIN: Objection.

16 Q. Were they the same ones that
17 you had previously stated?

18 A. No. It could be anywhere in
19 Manhattan or Queens. In Queens, I would go
20 to Kind or I would go to Austin Street.

21 Q. Austin Street in Queens?

22 A. Yeah. Austin Street.

23 Q. You said Austin Street?

24 MR. FINKELSTEIN: Objection.

25 A. Yes.

1 D. ANTOLINI

2 I have to go where there's
3 (indiscernible).

4 THE COURT REPORTER: I have to
5 go where there's?

6 THE WITNESS: Transportation.

7 A. Public transplantation in
8 Queens. Manhattan, I could go with my
9 scooter, but Queens I have to go public
10 transportation. Manhattan is more
11 convenient. I use my scooter, Mobility
12 scooter.

13 Q. Mr. Antolini, when you normally
14 go out to eat, do you go by yourself or do
15 you go with other people?

16 MR. FINKELSTEIN: Objection.

17 A. My wife.

18 Q. Do you normally go out to eat
19 with your wife?

20 MR. FINKELSTEIN: Objection.

21 A. Most of the times.

22 Q. Does she travel with you
23 whenever you go out to eat?

24 MR. FINKELSTEIN: Objection.

25 A. When we go to eat, yeah.

1 D. ANTOLINI

2 How else would she get there?

3 Q. Mr. Antolini, how much would
4 you normally pay for a meal or for a night
5 out?

6 MR. FINKELSTEIN: Objection.

7 A. What year?

8 Q. Mr. Antolini, I didn't hear
9 that.

10 A. What year?

11 Q. You know, what about right now;
12 how much do you currently pay for a meal or
13 for a night out when you go out?

14 A. It could be 50 to 100.

15 Q. Okay. And what about last
16 year; how much would you normally pay --

17 MR. FINKELSTEIN: Objection.

18 Q. -- for a night out?

19 MR. FINKELSTEIN: Objection.

20 Q. Either for a meal or for a
21 night out?

22 A. (Indiscernible.)

23 MR. FINKELSTEIN: Objection.

24 THE COURT REPORTER: Repeat
25 that?

1 D. ANTOLINI

2 Q. Sorry?

3 A. About the same.

4 Q. Was that number the same in
5 2019?

6 MR. FINKELSTEIN: Objection.

7 Asked and answered about five times.

8 A. I don't know. It would be
9 around there. That's my range. That's my
10 range.

11 Q. What was that?

12 A. That's my range.

13 Q. That's your range? Is that
14 what you said?

15 A. Yeah.

16 Q. And that would have been your
17 same range, \$50 to \$100 in 2018?

18 MR. FINKELSTEIN: Objection.

19 THE COURT REPORTER: I'm sorry,
20 I didn't hear an answer.

21 THE VIDEOGRAPHER:

22 Mr. Antolini, you're --

23 THE COURT REPORTER: And I
24 can't see him.

25 THE VIDEOGRAPHER: There we go.

1 D. ANTOLINI

2 THE COURT REPORTER: Can you
3 repeat your answer?

4 THE WITNESS: The same, more or
5 less.

6 Q. Mr. Antolini, do you ever go
7 out for cocktails?

8 MR. FINKELSTEIN: Objection.

9 A. On occasion.
10 Not cocktails.

11 Q. Can you say that again?

12 A. Not cocktails. Like I said,
13 either wine or wine spritzer.

14 Q. You said you normally go out to
15 drink only for wine or a wine spritzer?

16 A. Correct.

17 Q. Do you have any favorite places
18 that you like to go to drink?

19 MR. FINKELSTEIN: Objection.

20 A. No. Not anymore.

21 Q. Is that because of the
22 pandemic?

23 MR. FINKELSTEIN: Objection.

24 Leading.

25 A. No. What?

1 D. ANTOLINI

2 Q. You said not anymore?

3 A. Yeah.

4 Q. What do you mean by that?

5 MR. FINKELSTEIN: Objection.

6 A. I used to go out a lot.

7 Q. When did you stop going out for
8 drinks?

9 MR. FINKELSTEIN: Objection.

10 A. A long time ago.

11 Q. How long ago?

12 MR. FINKELSTEIN: Objection.

13 A. A long time.

14 THE VIDEOGRAPHER:

15 Mr. Antolini, your finger is on the
16 web cam.

17 THE WITNESS: Sorry about that.

18 A. I don't remember.

19 Q. Was that, you know, before your
20 -- you know, more than ten years ago?

21 MR. FINKELSTEIN: Objection.

22 A. Yes.

23 THE COURT REPORTER:

24 Mr. Antolini, you're covering the
25 camera.

1 D. ANTOLINI

2 THE WITNESS: What?

3 THE COURT REPORTER: We can't
4 see you.

5 THE WITNESS: How about this?

6 THE COURT REPORTER: Your
7 finger is in the way of the camera.

8 THE WITNESS: Okay. How about
9 now? Wait. Wait. Let me get some
10 help. Can you see me now?

11 THE COURT REPORTER: Yes.

12 THE WITNESS: You know what it
13 is, the (indiscernible) covers the
14 camera.

15 Nope. How about now?

16 THE COURT REPORTER: The camera
17 is reversed. You have to switch it.
18 If you tap the screen, you can turn
19 it back around to you.

20 THE WITNESS: Wait. Wait.
21 I'll have my grandson help me out.
22 (Indiscernible.)

23 THE COURT REPORTER: Now your
24 camera is off. Now it's back on, but
25 it's facing the wrong direction.

1 D. ANTOLINI

2 Is there anything that says
3 switch camera? There we go. Now we
4 see you.

5 Q. Mr. Antolini?

6 A. Yes.

7 Q. You said that you stopped going
8 out for cocktails over ten years ago?

9 A. Yes.

10 MR. FINKELSTEIN: Objection.

11 Q. And you said drinks or
12 cocktails, right?

13 MR. FINKELSTEIN: Objection.

14 Q. You don't really go out for
15 drinks or cocktails? Is that what you
16 said?

17 MR. FINKELSTEIN: Objection.

18 A. You lost me. What was the
19 question there?

20 Q. I had asked, you know, do you
21 normally go out for cocktails or drinks?

22 A. No.

23 Q. Okay.

24 A. No. Drinks, no.

25 Q. When was the last time that you

1 D. ANTOLINI

2 went out for cocktails or drinks?

3 MR. FINKELSTEIN: Objection.

4 A. A long time ago.

5 Q. And you said it was more than
6 ten years ago? Is that what you said?

7 MR. FINKELSTEIN: Objection.

8 A. Yeah.

9 Q. Okay. Why does that number
10 stand out? Why more than ten years?

11 MR. FINKELSTEIN: Objection.

12 A. That's when I became disabled.

13 Q. And after you became disabled,
14 you stopped going out for drinks and for
15 cocktails?

16 A. Correct, yes.

17 MR. FINKELSTEIN: Objection.

18 A. Yeah, cocktails and drinks,
19 yes.

20 MR. FINKELSTEIN: Objection.

21 Q. So you don't -- so after your
22 disability, you stopped going out for
23 cocktails and drinks?

24 MR. FINKELSTEIN: Objection.

25 He said cocktails.

1 D. ANTOLINI

2 A. Cocktails.

3 MR. MIZRAHI: Madam Court
4 Reporter, can you read back his last
5 two answers? Because they keep
6 getting mischaracterized. Thank you.

7 (Whereupon, the referred to
8 answers were read back by the
9 Reporter.)

10 Q. Sir, Mr. Antolini, I just want
11 to be clear. When --

12 MR. FINKELSTEIN: Objection.

13 Q. -- was the last time that you
14 went out for cocktails or drinks?

15 MR. FINKELSTEIN: Objection.

16 A. Here we go again. I just said
17 that. Right now I drink wine.

18 Q. And when was the last time that
19 you went out for a glass of wine?

20 MR. FINKELSTEIN: Objection.

21 Asked and answered, numerous times.

22 A. Yesterday.

23 Q. Where do you normally go out to
24 drink?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. I don't normally go out anymore
3 to drink.

4 Q. Where did you used to go out to
5 drink?

6 MR. FINKELSTEIN: Objection.

7 A. Everywhere.

8 Q. And do you have any favorite
9 places to go out to drink?

10 MR. FINKELSTEIN: Objection.

11 Asked and answered.

12 A. I don't go anymore.

13 Q. When you used to go, before you
14 stopped, did you have any favorite places
15 to go out to drink?

16 MR. FINKELSTEIN: Objection.

17 A. Yeah. Blarney Stone. It was
18 by (indiscernible).

19 THE COURT REPORTER: Can you
20 repeat that? I heard, Yeah --

21 MR. FINKELSTEIN: Blarney
22 Stone.

23 THE COURT REPORTER: -- Blarney
24 Stone. I didn't hear what --

25 THE WITNESS: Blarney Stone.

1 D. ANTOLINI

2 THE COURT REPORTER: I heard
3 Blarney Stone. I didn't hear what
4 you said after that.

5 THE WITNESS: By the
6 (indiscernible), in Manhattan.

7 THE COURT REPORTER: By the
8 old?

9 THE WITNESS: No, OTB.

10 THE COURT REPORTER: OTB, in
11 Manhattan.

12 THE WITNESS: Yeah. They don't
13 have that anymore.

14 Q. Mr. Antolini, besides Blarney
15 Stone, did you go anywhere else to drink --

16 MR. FINKELSTEIN: Objection.

17 Q. -- when you used to go out?

18 A. I went everywhere.

19 Q. Did you have any other favorite
20 place to go out to drink?

21 MR. FINKELSTEIN: Objection.

22 Asked and answered seven times.

23 A. I went everywhere.

24 Q. I don't know what that means.

25 What does everywhere mean?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. Everywhere. I didn't have one
4 in particular.

5 Q. Mr. Antolini, before the
6 pandemic, where were some of your favorite
7 place to go out to drink?

8 MR. FINKELSTEIN: Objection.

9 Hold on, Dino. Objection. Asked and
10 answered.

11 Madam, Court Reporter, I'd like
12 you to mark the record here.

13 THE WITNESS: I told him ten
14 times already.

15 MR. FINKELSTEIN: Hold on.

16 Dino, I feel you.

17 I want the record to reflect
18 that I'm going to be making my motion
19 to suspend this deposition based upon
20 the oppressive, annoying and
21 repetitive asking of the same
22 question over and over.

23 So, counselor, unless I can get
24 an assurance from you that you're not
25 going to keep asking the same

1 D. ANTOLINI

2 question seven, eight, nine, ten
3 times, I'm going to ask -- I'm going
4 to ask that this deposition be
5 terminated and let the judge make a
6 ruling after he hears the transcript
7 on this.

8 Can I get that assurance from
9 you, please?

10 MR. MIZRAHI: Susan, please
11 note the improper speaking objection
12 for the record.

13 MR. FINKELSTEIN: Can I get
14 that assurance from you, please?
15 Because what you're doing to him is
16 very unfair.

17 MR. MIZRAHI: Susan, please
18 make sure you're taking down all of
19 the improper speaking objections.

20 MR. FINKELSTEIN: Yeah, Susan,
21 please do.

22 Go ahead, counsel. I'm
23 listening. Dino, you all right?

24 MR. MIZRAHI: I think your
25 camera froze and you're muted.

1 D. ANTOLINI

2 THE COURT REPORTER: Okay. I'm
3 good.

4 Q. Mr. Antolini?

5 A. Yeah, I'm here.

6 Q. When you normally, you know,
7 used to go out for drinks, did you go out
8 by yourself, or did you go out with someone
9 else?

10 MR. FINKELSTEIN: Objection.

11 A. I went all the time, anywhere,
12 with friends, by myself, whatever.

13 Q. Did you typically go with
14 someone else, or did you typically go by
15 yourself?

16 MR. FINKELSTEIN: Objection.

17 A. It didn't matter.

18 Q. What does that mean?

19 MR. FINKELSTEIN: What does
20 that mean? It didn't matter? Is
21 that what you said?

22 A. Either I went by myself or with
23 friends.

24 Q. Mr. Antolini how many times
25 have you gone out for drinks in 2020?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. I don't drink anymore.

4 MR. FINKELSTEIN: Wow.

5 Objection.

6 Q. I'm sorry. I thought that you
7 said that you go out for drinks. Is that
8 not accurate?

9 MR. FINKELSTEIN: Objection.

10 A. I don't go for drinks.

11 Q. Mr. Antolini, can you repeat
12 yourself? I can't hear you.

13 A. I said no. N-O.

14 MR. FINKELSTEIN: Dino, relax.

15 Listen, listen, listen. You're
16 getting upset. It is -- I'm seeing
17 here a quarter to 12. Almost two
18 hours we're at this. I'm sure your
19 battery needs to be charged and, more
20 importantly, I think you need a
21 break, Dino.

22 So let's take a 15-minute break
23 and we'll come back on at 12:05. All
24 right, Susan? Susan? I'm muted?
25 No, okay.

1 D. ANTOLINI

2 MR. MIZRAHI: Yeah --

3 MR. FINKELSTEIN: Hold on a
4 second. I'm talking to Susan,
5 please.

6 THE COURT REPORTER: I need
7 everyone to agree to go off the
8 record in order to go off the record,
9 so is that what we're doing?

10 MR. MIZRAHI: Susan, we're going
11 to go off the record. We'll come
12 back at 12:00. 12 p.m.

13 MR. FINKELSTEIN: 12:05, Susan.
14 12:05.

15 THE VIDEOGRAPHER: Off the
16 record at 11:47.

17 (Whereupon, a brief recess was
18 taken.)

19 THE VIDEOGRAPHER: We are now
20 back on the record. The time is
21 12:06 p.m.

22 THE WITNESS: I lost you guys.
23 Hello?

24 THE COURT REPORTER: We can
25 hear you.

1 D. ANTOLINI

2 THE WITNESS: Okay.

3 MR. MIZRAHI: This is Jason
4 Mizrahi for the record. We had just
5 taken a 21-minute break. Defendants
6 respectfully reserve the opportunity
7 to include this break time on top of
8 the total allotted deposition amount.

9 Susan, can you please repeat
10 the last question that was asked?

11 THE COURT REPORTER: Sure.

12 (Whereupon, the referred to
13 question was read back by the
14 Reporter.)

15 Q. So, Mr. Antolini, if I can just
16 ask you again so we have a clear record, is
17 it your testimony --

18 MR. FINKELSTEIN: Objection.

19 Objection.

20 Q. -- is it your testimony here
21 today that you don't go out for drinks?

22 MR. FINKELSTEIN: Objection.

23 Asked and answered about eight times.

24 A. Correct.

25 Q. And is it your testimony here

1 D. ANTOLINI

2 today that you stopped going out for drinks
3 about ten years ago, when you were
4 diagnosed with your disability?

5 MR. FINKELSTEIN: Objection.

6 A. Yeah. Hard liquor.

7 Q. Okay.

8 MR. FINKELSTEIN: What did you
9 say? Hard liquor?

10 THE WITNESS: Yeah.

11 MR. FINKELSTEIN: Okay.

12 Q. What about for not hard liquor?

13 MR. FINKELSTEIN: Objection.

14 Asked and answered eleven times.

15 A. Wine or spritzer.

16 Q. And before the pandemic, you
17 know, how often did you go out for wine or
18 -- like, wine or spritzers?

19 MR. FINKELSTEIN: Objection.

20 A. Frequently.

21 Q. How frequently?

22 A. I don't know. Once a week?

23 Q. Okay. Before the pandemic,
24 when you used to go out for -- for wine or
25 for spritzers --

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection,
3 when you say. Objection.

4 Q. Where did you normally go?

5 MR. FINKELSTEIN: Objection.

6 A. Manhattan.

7 Q. Where in Manhattan did you
8 normally go?

9 MR. FINKELSTEIN: Objection.

10 A. Anywhere. Usually the village.

11 THE COURT REPORTER: The
12 village?

13 THE WITNESS: Yeah.

14 Q. When you say the village, what
15 are you referring to?

16 A. Manhattan, the village. By
17 Washington Square.

18 Q. By Washington Square?

19 A. Yeah.

20 Q. And what were some of the
21 places that you used to go out for drinks
22 in Washington Square?

23 MR. FINKELSTEIN: Objection.

24 A. I don't remember the name.

25 Q. Do you recall how often you

1 D. ANTOLINI

2 went out for drinks in 2020?

3 MR. FINKELSTEIN: Objection.

4 A. Not really, no.

5 Q. Can you use your best estimate,
6 if you can --

7 MR. FINKELSTEIN: Objection.

8 Q. -- use your estimation?

9 MR. FINKELSTEIN: Objection.

10 A. I have no idea.

11 Q. What about in 2019?

12 MR. FINKELSTEIN: Objection.

13 A. That's even harder. My -- I
14 have cerebral ataxia. My memory is not
15 good anymore.

16 Q. Okay. And what about in 2018;
17 how often did you used to go out for drinks
18 in 2018?

19 A. You gotta be kidding me.

20 MR. FINKELSTEIN: Objection.

21 A. Three years ago?

22 You're asking me how many hairs
23 I have on my back. I have no idea.

24 Q. When you typically went out for
25 drinks --

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 Q. -- Mr. Antolini, did, you go
4 with anyone else?

5 MR. FINKELSTEIN: Objection.

6 A. Yeah. Or I went by myself.

7 Q. Okay. Did you mostly go with
8 someone else, or did you normally go by
9 yourself?

10 MR. FINKELSTEIN: Objection.

11 A. For drinks? I told you that.
12 I stopped going out for drinks and
13 cocktails, like, ten years ago.

14 Q. When I say drinks, I'm also
15 including wine or spritzers.

16 A. Okay.

17 MR. FINKELSTEIN: Objection.

18 A. I would go, yes. Same thing.
19 Either by myself or with others.

20 Q. And on average, how much do you
21 spend on a round of drinks --

22 MR. FINKELSTEIN: Objection.

23 Q. -- when you go out?

24 MR. FINKELSTEIN: Objection.

25 A. It depends on the price.

1 D. ANTOLINI

2 Q. What does it depend on?

3 MR. FINKELSTEIN: Objection.

4 A. The price.

5 Q. Do you know what --

6 MR. FINKELSTEIN: Excuse me,
7 did you say the price?

8 THE WITNESS: Yeah.

9 MR. FINKELSTEIN: Okay.

10 Thanks.

11 Q. And, Mr. Antolini, you know,
12 what is your price point? How much do you
13 normally spend on a night out?

14 MR. FINKELSTEIN: Objection.

15 A. I don't go out for the whole
16 night anymore.

17 Q. And, Mr. Antolini, do you have
18 any future plans to (indiscernible) out?

19 MR. FINKELSTEIN: I didn't hear
20 that. Hold on.

21 Madam Court Reporter --

22 THE COURT REPORTER: Your voice
23 cut out, counsel.

24 Mr. Antolini, do you have any
25 future plans to?

1 D. ANTOLINI

2 That was what I heard.

3 MR. MIZRAHI: To dine out.

4 MR. FINKELSTEIN: To dine out?

5 Objection.

6 A. What was that?

7 Q. I asked if you have any future
8 plans to dine out?

9 A. Yeah.

10 Q. Can you tell me about them?

11 MR. FINKELSTEIN: Objection.

12 A. I don't know. The future is
13 not mine to see. Que Sera Sera.

14 Q. Can you repeat that?

15 A. I can't say what the future
16 will be.

17 Q. Okay. And what about any
18 future plans to go out for drinks?

19 MR. FINKELSTEIN: Objection.

20 A. Like I said, I don't know. If
21 I'm alive.

22 Q. So is it your testimony here
23 today that you have no specific plans to go
24 out for drinks and you have no specific
25 plans to go out for a meal?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. No. I didn't say that. I will
4 probably go out, God willing.

5 Q. Can you tell me more?

6 MR. FINKELSTEIN: Objection.

7 A. If my health is all right, if
8 the weather is good, then I could go out.

9 Q. You know, let's assume -- let's
10 assume you're in good health.

11 MR. FINKELSTEIN: Objection.

12 Q. Can you tell me more about your
13 future plans to go out to dine out?

14 MR. FINKELSTEIN: Same
15 objection.

16 A. I'll go out like normal.

17 Q. Can you tell me more about
18 those plans?

19 MR. FINKELSTEIN: Objection.

20 A. I have no plans. Spur of the
21 moment. Spur of the moment.

22 Q. I'm sorry? Can you repeat
23 that?

24 A. Spur of the moment.
25 Spontaneous.

1 D. ANTOLINI

2 Q. Mr. Antolini, you said spur of
3 the moment?

4 A. Yeah.

5 Q. Okay. And what about future
6 plans to go out to drink?

7 MR. FINKELSTEIN: Objection.

8 A. Same thing.

9 Q. When you say same thing, you
10 also mean --

11 A. Spur of the moment.

12 MR. FINKELSTEIN: Objection.

13 Q. So spur of the moment?

14 A. Yes.

15 Q. So do you have any specific
16 plans to get any cocktails in the future?

17 MR. FINKELSTEIN: Objection.

18 Asked and answered about six times.

19 A. I don't drink cocktails.

20 Q. I'm sorry. What I meant by
21 that was, do you have any specific plans to
22 get drinks in the future?

23 A. No.

24 MR. FINKELSTEIN: Objection.

25 Q. Mr. Antolini, can you tell me

1 D. ANTOLINI

2 the last time you traveled to Manhattan?

3 MR. FINKELSTEIN: Objection.

4 Asked and answered. I believe he
5 said he was there yesterday.

6 A. Yeah.

7 MR. MIZRAHI: Susan, I'm going
8 to ask you to note opposing counsel's
9 speaking objection and improper
10 coaching of the witness for the
11 record.

12 MR. FINKELSTEIN: This is
13 called harassment. He already
14 answered you five times. But that's
15 okay. Dino, feel free to answer.

16 A. I was there yesterday.

17 MR. MIZRAHI: Susan, please
18 note the continued improper speaking
19 objection. Thank you.

20 MR. FINKELSTEIN: Objection to
21 the objection.

22 Q. Mr. Antolini, can you please
23 repeat that?

24 MR. FINKELSTEIN: Objection.

25 A. I went out yesterday.

1 D. ANTOLINI

2 Q. Where did you go?

3 A. To the village.

4 (Indiscernible).

5 THE COURT REPORTER: To the
6 village? I didn't hear what you said
7 after that.

8 THE WITNESS: Like I said
9 already. He asked me that question
10 already.

11 Q. Mr. Antolini, I just want to
12 make sure we have a clear record --

13 MR. FINKELSTEIN: Objection.

14 Q. -- okay?

15 So if I'm asking the same
16 question, I just want to make sure we have
17 the same record.

18 Do you understand?

19 MR. FINKELSTEIN: Objection.

20 Objection. Same objection.

21 A. Okay.

22 Q. And when you say the village,
23 you're referring to Greenwich Village?

24 A. Correct.

25 Q. And where in Greenwich Village

1 D. ANTOLINI

2 did you go?

3 MR. FINKELSTEIN: Objection.

4 A. By Washington Square.

5 Q. By Washington Square?

6 MR. FINKELSTEIN: Objection.

7 A. Yes.

8 Q. Were you there by yourself, or
9 were you there with someone else?

10 MR. FINKELSTEIN: Objection.

11 A. I there was with someone else.

12 Q. Who were you there with?

13 A. My wife.

14 Q. Okay. Mr. Antolini, when was
15 the last time you traveled to West Houston
16 Street?

17 MR. FINKELSTEIN: Objection.

18 A. Yesterday.

19 Q. Can you tell me more about it?

20 MR. FINKELSTEIN: Objection.

21 A. Yeah. I always

22 (indiscernible).

23 THE COURT REPORTER: Can you
24 repeat that?

25 Q. You cut off. I didn't hear

1 D. ANTOLINI

2 you.

3 MR. FINKELSTEIN: Hold on one
4 second. Dino, hold on one second.

5 Madam Court Reporter, did you
6 hear his answer?

7 THE COURT REPORTER: I didn't.
8 And he just spoke again, but you were
9 talking at the same time, so
10 everything cut out on me.

11 MR. FINKELSTEIN: Okay.

12 A. I was there yesterday. I go to
13 the village regularly.

14 Q. Mr. Antolini, I wasn't asking
15 about the village. I was asking about West
16 -- West Houston Street.

17 MR. FINKELSTEIN: Objection.

18 A. Yeah. I was there yesterday.

19 Q. Okay. Can you tell me more?

20 MR. FINKELSTEIN: Objection.

21 A. Yeah. I went around.

22 Everything is open except (indiscernible).

23 THE COURT REPORTER: Everything
24 is open except?

25 THE WITNESS: Madame X.

1 D. ANTOLINI

2 MR. FINKELSTEIN: Madame X.

3 M-A-D-A-M-E, new word, capital X.

4 THE COURT REPORTER: Thank you.

5 Q. You said everything is open?

6 Is that what you said?

7 A. Yeah.

8 MR. FINKELSTEIN: Objection.

9 Q. What places are you referring
10 to?

11 MR. FINKELSTEIN: Objection.

12 A. (Indiscernible).

13 THE COURT REPORTER: I didn't
14 hear that.

15 A. (Indiscernible.)

16 THE COURT REPORTER: I'm not
17 hearing him.

18 A. (Indiscernible.) Restaurants,
19 cafes, everything.

20 THE COURT REPORTER:
21 Restaurants, cafes, everything?

22 THE WITNESS: Yeah.

23 A. It looked like summertime. It
24 looked like Woodstock in Washington Square
25 Woodstock.

1 D. ANTOLINI

2 Q. Where are you referring to,
3 Mr. Antolini?

4 MR. FINKELSTEIN: Objection.

5 A. Washington Square Park. There
6 were thousands of people.

7 Q. Okay. And, Mr. Antolini, I
8 just want to be sure --

9 A. The village came back alive.

10 Q. Mr. Antolini, I want to make
11 sure we're talking about the same thing.

12 A. Yeah.

13 Q. I'm asking you about --

14 MR. FINKELSTEIN: Objection.

15 Q. I'm asking you about West
16 Houston Street. Are you familiar with West
17 Houston?

18 A. It was packed.

19 Q. Okay. Can you name any
20 business on West Houston Street?

21 MR. FINKELSTEIN: Objection.

22 A. There's, like, a hundred.

23 Q. Can you name any of them?

24 A. No.

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. No.

3 Q. You can't name a single one?

4 MR. FINKELSTEIN: Same
5 objection.

6 A. Only on (indiscernible).

7 THE COURT REPORTER: Only on?

8 A. Because you keep saying
9 (indiscernible).

10 Q. Can you name any other
11 businesses, Mr. Antolini?

12 MR. FINKELSTEIN: He's
13 answering your question, counsel.
14 Let him finish.

15 A. (Indiscernible.)

16 THE COURT REPORTER: Repeat
17 that?

18 THE WITNESS: Okay.

19 MR FINKELSTEIN: Okay.

20 Q. Mr. Antolini, sitting here
21 today, can you name any other businesses on
22 West Houston Street?

23 MR. FINKELSTEIN: Objection.

24 A. Offhand, no.

25 Q. Do you have any favorite places

1 D. ANTOLINI

2 on West Houston Street?

3 A. No.

4 MR. FINKELSTEIN: Objection.

5 A. Like I said, I go everywhere.

6 Q. I'm specifically referring to
7 West Houston Street?

8 A. Yeah. Whatever (indiscernible)
9 interesting, I go in.

10 THE COURT REPORTER: Can you
11 repeat that?

12 THE WITNESS: Whatever looks
13 interesting, I'll try.

14 THE COURT REPORTER: Whatever
15 looks interesting, I'll try?

16 THE WITNESS: Yeah. I'm not
17 particular.

18 Q. Mr. Antolini, how many times
19 have you traveled to West Houston Street in
20 2018?

21 MR. FINKELSTEIN: Objection.

22 A. You're asking something I can't
23 remember.

24 Q. Okay. What about 2019; do you
25 remember?

1 D. ANTOLINI

2 A. No.

3 It would be more than
4 (indiscernible), I frequent the area.

5 THE COURT REPORTER: His last
6 answer, I heard, It would be more
7 than --

8 THE WITNESS: (Indiscernible.)

9 THE COURT REPORTER: Hang on.
10 Hang on, Mr. Antolini.

11 Your last answer, the question
12 is, What about 2019; do you remember?

13 What I heard was, answer, No,
14 it would be more than, and I didn't
15 hear what you said after that.

16 THE WITNESS: (Indiscernible) a
17 dozen times.

18 THE COURT REPORTER: A dozen
19 times?

20 THE WITNESS: At least. Like I
21 said, I frequent the area a lot. I
22 don't keep a diary.

23 Q. In 2019, where do you -- where
24 did you typically go on West Houston
25 Street?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. Like I said, I don't keep a
4 diary.

5 Q. You said you don't keep a
6 diary?

7 MR. FINKELSTEIN: Objection.

8 A. No. Do you? Do you?

9 Q. Mr. Antolini --

10 A. Do you keep a diary everywhere
11 you go?

12 Q. Mr. Antolini, Mr. Antolini,
13 sir --

14 MR. FINKELSTEIN: Objection.

15 Q. -- Very respectfully, I'm
16 taking your deposition, so I have the right
17 to ask you some questions.

18 MR. FINKELSTEIN: Objection.

19 Q. Do you understand?

20 MR. FINKELSTEIN: Objection.

21 A. Yes.

22 Q. Thank you.

23 MR. FINKELSTEIN: Objection.

24 Q. In 2019, when you were
25 frequenting West Houston Street, who were

1 D. ANTOLINI

2 you there with?

3 MR. FINKELSTEIN: Objection.

4 Asked and answered.

5 A. Like I said, either by myself
6 or with others.

7 Q. How many times did you frequent
8 West Houston Street in 2020?

9 MR. FINKELSTEIN: Objection.

10 A. I have no idea. Like I said
11 before, I don't keep a diary.

12 Q. (Indiscernible.)

13 THE COURT REPORTER: I'm sorry,
14 counsel, your audio cut out on me.
15 If you did ask something, I didn't
16 hear it.

17 MR. MIZRAHI: Can you repeat
18 the last question and answer?

19 (Whereupon, the referred to
20 question and answer was read back by
21 the Reporter.)

22 Q. And Mr. Antolini, how many
23 times did you go to West Houston Street in
24 2021?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. Like I said, I have no idea. I
3 don't keep a diary.

4 Q. Do you have any future plans to
5 visit West Houston Street?

6 A. Yeah. Like I said, weather
7 permitting, health permitting.

8 Q. Health permitting, do you have
9 any future plans to go to West Houston
10 Street?

11 MR. FINKELSTEIN: Objection.

12 Asked and answered.

13 A. I think I answered already.

14 Q. I want to make sure we have
15 a --

16 (Unreportable crosstalk.)

17 Q. Can you tell me about those
18 plans?

19 MR. FINKELSTEIN: Objection.

20 A. I don't have plans. I said
21 spur of the moment.

22 Q. Okay.

23 A. Weather permitting and health
24 permitting.

25 Q. So spur of the moment, health

1 D. ANTOLINI

2 permitting and weather permitting, does
3 that mean you don't have any specific
4 plans?

5 MR. FINKELSTEIN: Objection.

6 Asked and answered twelve times.

7 A. No. Like I said.

8 Q. Mr. Antolini, are you familiar
9 with the business at 94 West Houston
10 Street?

11 A. Yes.

12 Q. What is it?

13 A. A lounge.

14 Q. Can you describe it to me?

15 MR. FINKELSTEIN: Objection.

16 A. I was never inside. On the
17 internet, it looks (indiscernible).

18 THE COURT REPORTER: It looks?

19 I didn't hear your answer.

20 THE WITNESS: (Indiscernible).

21 THE COURT REPORTER: I'm not
22 understanding. I'm sorry.

23 THE WITNESS: It looks cool.

24 THE COURT REPORTER: It looks
25 cool?

1 D. ANTOLINI

2 THE WITNESS: On the internet
3 (indiscernible).

4 THE COURT REPORTER: On the
5 internet --

6 MR. FINKELSTEIN: It looks cool
7 on the internet, he says.

8 THE WITNESS: Correct.

9 Q. Mr. Antolini, can you describe
10 the business to me?

11 MR. FINKELSTEIN: Objection.

12 A. I was never inside. The
13 internet says it's a lounge.

14 Q. Have you ever visited this
15 business?

16 A. Yes.

17 Q. When?

18 A. 2019. Summertime.

19 Q. And when in 2019 did you visit
20 this business?

21 A. Early August.

22 Q. Can you tell me more?

23 MR. FINKELSTEIN: Objection.

24 A. Early August, like I said. I
25 don't keep a diary.

1 D. ANTOLINI

2 Q. And why does that date stick
3 out in your mind?

4 MR. FINKELSTEIN: Objection.
5 Goes to operation of the mind.

6 A. It was summertime.

7 Q. When in early August were you
8 there, Mr. Antolini?

9 A. I don't remember exactly.

10 Q. Do you remember what day of the
11 week it was?

12 A. No.

13 Q. Do you remember what time of
14 day it was?

15 A. Early evening.

16 Q. Early evening.

17 And were you by yourself?

18 A. It was still light out.

19 Q. Were you by yourself or were
20 you with someone else?

21 A. By myself.

22 Q. Okay. Can you tell me more
23 about that day?

24 MR. FINKELSTEIN: Objection.

25 A. Yeah. I was in the Washington

1 D. ANTOLINI

2 Square Park during the day.

3 Hello?

4 Q. I'm listening?

5 A. Okay.

6 MR. FINKELSTEIN: Objection.

7 A. I was in Washington Square Park
8 and I went around. I went around, like --

9 (Unreportable crosstalk.)

10 Q. I'm listening?

11 THE COURT REPORTER: I didn't
12 hear that last part.

13 MR. FINKELSTEIN: He
14 interrupted him, that's why.

15 Objection.

16 THE WITNESS: What?

17 MR. FINKELSTEIN: Dino, you're
18 doing fine.

19 What's the story, Madam Court
20 Reporter? What's going on? I missed
21 it.

22 THE COURT REPORTER: The answer
23 I heard was, I was in Washington
24 Square Park and I went around. I
25 went around.

1 D. ANTOLINI

2 MR. FINKELSTEIN. Okay.

3 THE COURT REPORTER: And then
4 counsel said, I'm listening, and then
5 I didn't hear what he said in the
6 answer.

7 THE WITNESS: Like I always do.

8 MR. FINKELSTEIN: Note my
9 objection to his last question,
10 please.

11 Q. Mr. Antolini, you can continue?

12 MR. FINKELSTEIN: Objection.

13 A. I just said that.

14 Q. Besides that one day in early
15 August of 2019, had you ever been to the
16 business before?

17 A. Before that, no.

18 Q. Can you tell me about what
19 happened when you visited the business?

20 A. I couldn't get in. They had
21 steps that go in (indiscernible).

22 THE COURT REPORTER: They had
23 steps that go in?

24 THE WITNESS: The basement,
25 downstairs.

1 D. ANTOLINI

2 THE COURT REPORTER: In the
3 basement, downstairs.

4 THE WITNESS: Yes.

5 A. And narrow. You can't go with
6 a scooter or wheelchair, and I can't leave
7 the scooter outside. There's no place to
8 put it.

9 Q. If you had somewhere to put it,
10 would you have been able to go inside?

11 MR. FINKELSTEIN: Objection.

12 A. With help.

13 Q. With help?

14 A. Yes.

15 MR. FINKELSTEIN: Objection.

16 Q. Okay. Can you tell me a little
17 bit more about this location, 94 West
18 Houston?

19 MR. FINKELSTEIN: Objection.

20 A. I told you, I didn't go in. I
21 could only tell you what I saw on my iPad.

22 Q. And what did you see?

23 A. It looks cool. It reminds me
24 of my heyday.

25 MR. FINKELSTEIN: What did he

1 D. ANTOLINI

2 say? I didn't hear. What?

3 Hold on a second, Dino.

4 THE WITNESS: My heyday.

5 THE COURT REPORTER: His
6 heyday.

7 THE WITNESS: When I was a
8 young whippersnapper.

9 MR. FINKELSTEIN: Gotcha.

10 THE WITNESS: I'm not dead.

11 MR. FINKELSTEIN: Thank God.

12 Q. Mr. Antolini, can you identify
13 all of the barriers that you encountered
14 that deterred you from entering the
15 premises?

16 MR. FINKELSTEIN: Objection.

17 Asked and answered.

18 A. The steps going down.

19 Q. Were there any others besides
20 the steps?

21 MR. FINKELSTEIN: Objection.

22 Asked and answered.

23 A. I didn't see anything else.

24 They're narrow.

25 Q. Why did you intend to go inside

1 D. ANTOLINI

2 the lounge?

3 MR. FINKELSTEIN: Objection,
4 objection and objection.

5 A. It looked cool.

6 MR. FINKELSTEIN: Asked and
7 answered about seven times.

8 Q. And besides the fact that it
9 looked cool, did you have any other
10 intention of going there?

11 MR. FINKELSTEIN: Objection.

12 A. No. I was curious.

13 Q. Okay. And what do you mean
14 when you say that you were curious?

15 MR. FINKELSTEIN: Objection.

16 A. I'll try anyplace.

17 Q. But Mr. Antolini --

18 MR. FINKELSTEIN: Objection to
19 the but.

20 Q. -- before you said that you
21 don't really drink cocktails when you go
22 out. Is that accurate?

23 MR. FINKELSTEIN: Objection.

24 Objection. Objection.

25 A. Yeah.

1 D. ANTOLINI

2 Q. So why -- why were you visiting
3 this location if you don't drink cocktails?

4 MR. FINKELSTEIN: Objection,
5 but you can answer.

6 A. Without a doubt, they have
7 wine.

8 THE VIDEOGRAPHER: Excuse me.
9 Mr. Antolini, your finger is on the
10 web cam.

11 MR. FINKELSTEIN: Okay. There
12 you go.

13 THE WITNESS: I have to get
14 help. Okay. Wait. Okay.

15 Can you see me now? How about
16 now?

17 MR. FINKELSTEIN: Good.
18 Excellent.

19 MR. MIZRAHI: Susan, can you
20 repeat the last question and answer?

21 (Whereupon, the referred to
22 question and answer was read back by
23 the Reporter.)

24 Q. Have you been back to 94 West
25 Houston Street since August of 2019?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. Yes.

4 Q. When?

5 MR. FINKELSTEIN: Asked and
6 answered. Objection.

7 A. I went 2019. Then I went after
8 COVID.

9 THE WITNESS: Hello?

10 THE COURT REPORTER: We can
11 hear you.

12 Q. Mr. Antolini, do you have any
13 future plans to go back to 94 West Houston
14 Street?

15 A. Yeah, if I could get in.

16 Q. Can you tell me --

17 A. It looks great. It looks cool.

18 Q. Can you tell me about those
19 plans?

20 MR. FINKELSTEIN: Objection.

21 A. When I go out, I go past there.

22 Q. When are you planning on going
23 back there?

24 A. Whenever the weather is nice
25 and my health is good.

1 D. ANTOLINI

2 Q. Okay. Let's say the weather is
3 great and you're in good health --

4 MR. FINKELSTEIN: Objection.

5 Q. -- when are you planning on
6 going back there?

7 MR. FINKELSTEIN: Objection.

8 Asked and answered seven times.

9 Eight times, strike that.

10 A. Like I said, whenever.

11 Q. But you don't have any specific
12 plans?

13 A. No. Like I said --

14 MR. FINKELSTEIN: Objection.

15 A. -- spur of the moment,
16 spontaneous. That's how I live.
17 Especially now with the COVID. You never
18 know. You never know.

19 Q. And Mr. Antolini, how many
20 times have you traveled to (indiscernible)
21 in 2018?

22 THE COURT REPORTER: Your
23 question -- I'm sorry, counsel, your
24 question cut out.

25 Hang on, Mr. Antolini.

1 D. ANTOLINI

2 I have, question, Mr. Antolini,
3 how many times have you traveled, and
4 then your audio cut out on me.

5 THE WITNESS: Yeah. Me too.

6 MR. FINKELSTEIN: Objection.

7 Asked and answered.

8 Q. I asked how many times have you
9 traveled to this business in 2018?

10 MR. FINKELSTEIN: Objection.

11 A. Never.

12 Q. And how many times did you
13 travel to this business in 2019?

14 MR. FINKELSTEIN: Objection.

15 A. I went by there several times.

16 Q. When did you go there in 2019
17 besides --

18 MR. FINKELSTEIN: Objection.

19 Q. -- the first week of August?

20 MR. FINKELSTEIN: Objection.

21 A. Afterwards.

22 Q. Do you recall when?

23 A. Like a month later.

24 Q. Besides August of 2019 and
25 besides a month later, did you go any other

1 D. ANTOLINI

2 times in 2019?

3 A. No.

4 Q. How many times did you go to
5 that business in --

6 MR. MIZRAHI: I'm sorry, can
7 you strike that, Susan?

8 Q. Mr. Antolini, when you were
9 there in 2019, who did you go there with?

10 MR. FINKELSTEIN: Objection.

11 A. By myself.

12 MR. FINKELSTEIN: Asked and
13 answered.

14 A. You asked that question
15 already.

16 Q. Mr. Antolini, how many times
17 did you go to that business in 2020?

18 MR. FINKELSTEIN: Objection.

19 A. I don't remember.

20 Q. And how many times have you
21 gone to that business in 2020?

22 MR. FINKELSTEIN: Hold on a
23 second. Hold on a second, Dino.

24 Did you catch his question? I
25 didn't catch it.

1 D. ANTOLINI

2 THE COURT REPORTER: You froze
3 for a minute there.

4 How many times have you gone to
5 that business in 2020?

6 MR. FINKELSTEIN: Objection.

7 A. I never went, no.

8 Q. How many times have you gone to
9 that business in 2021?

10 A. I haven't gone in.

11 MR. FINKELSTEIN: Objection.

12 A. Never gone in. I went by there
13 at least several times.

14 Q. How many times?

15 MR. FINKELSTEIN: Objection.

16 Asked and answered.

17 A. At least two.

18 Q. Do you recall when?

19 A. Beginning of August and
20 yesterday.

21 Q. Mr. Antolini, earlier today,
22 you said that you served --

23 MR. MIZRAHI: I'm sorry, you
24 can strike that, Susan.

25 Q. Mr. Antolini, have you ever

1 D. ANTOLINI

2 served as a plaintiff in a lawsuit before?

3 MR. FINKELSTEIN: Objection.

4 A. What do you mean?

5 Q. Do you know what a plaintiff
6 is?

7 A. Yeah.

8 Q. Have you ever served as a
9 plaintiff in a lawsuit before?

10 A. Yes.

11 Q. How many cases have you served
12 as a plaintiff in?

13 MR. FINKELSTEIN: Objection.

14 A. I don't know.

15 Q. Can you use your best estimate?

16 MR. FINKELSTEIN: Objection.

17 A. I don't know.

18 Q. Is it one? Is it two?

19 MR. FINKELSTEIN: Objection.

20 A. I went to (indiscernible).

21 THE COURT REPORTER: I'm sorry.

22 Hang on. Can you repeat that? I
23 didn't hear it.

24 A. I went to Foley Square meeting
25 room with a referee several times.

1 D. ANTOLINI

2 Q. Mr. Antolini, I'm not asking
3 how many times you've actually been to
4 court. What I'm asking you is how many
5 cases you've ever filed? How many cases --

6 MR. FINKELSTEIN: Objection.

7 Q. -- where you're named as a
8 plaintiff?

9 MR. FINKELSTEIN: Objection.

10 A. I don't know exactly. My
11 lawyer would know.

12 Q. Can you tell me about these
13 cases?

14 MR. FINKELSTEIN: Objection.

15 A. I don't know. I'm not a
16 lawyer.

17 Q. Mr. Antolini, just based on
18 what you know, can you tell me about these
19 cases?

20 MR. FINKELSTEIN: Objection.

21 Asked and answered four times.

22 A. I don't know.

23 Q. You don't know what these cases
24 are?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 Same objection.

3 A. I don't know. I'm not a
4 lawyer.

5 Q. In your own words, can you tell
6 me what these cases are about?

7 MR. FINKELSTEIN: Same
8 objection. Harassment now. That's
9 the sixth time, I believe, you've
10 asked it now.

11 A. (Indiscernible.)

12 Q. Mr. Antolini, can you repeat
13 that?

14 A. ADA.

15 Q. Mr. Antolini, are you aware
16 that you're named as a plaintiff in 16
17 other lawsuits --

18 MR. FINKELSTEIN: Objection.

19 Q. -- filed in the Southern
20 District of New York?

21 MR. FINKELSTEIN: Objection.

22 A. If my lawyer says that, yes.

23 Q. Mr. Antolini, I'm not asking
24 what your lawyer said.

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 Q. I'm asking -- I'm asking if
3 you're aware that you're named as a
4 plaintiff in 16 other lawsuits in the
5 Southern District of New York?

6 MR. FINKELSTEIN: Objection.

7 A. I don't know the exact number.
8 I know it's a lot.

9 Q. Mr. Antolini, are you familiar
10 with the business at 8288 Fulton Street?

11 MR. FINKELSTEIN: Objection.

12 A. I don't keep a diary.

13 Q. Do you know where Fulton Street
14 is?

15 MR. FINKELSTEIN: Objection.

16 A. Yeah.

17 Q. Okay. Do you know the business
18 at 8288 Fulton Street?

19 MR. FINKELSTEIN: Objection.

20 Asked and answered.

21 A. No.

22 Q. Have you ever visited the
23 business at 8288 Fulton Street?

24 MR. FINKELSTEIN: Objection.

25 A. I went by there.

1 D. ANTOLINI

2 THE COURT REPORTER: I went by
3 there?

4 Q. I'm sorry?

5 A. (Indiscernible.)

6 THE COURT REPORTER: Repeat
7 that?

8 A. It's by the courthouse right
9 there. Best of my recollection. Like I
10 said, I don't keep a diary.

11 Q. I'm not asking you if you keep
12 a diary. I'm asking, sitting --

13 MR. FINKELSTEIN: Objection.

14 Q. -- sitting here today, have you
15 ever been to the business at 8288 Fulton
16 Street?

17 MR. FINKELSTEIN: Asked and
18 answered. Objection.

19 A. I never went in.

20 MR. MIZRAHI: I'm sorry.

21 Susan, did you get that?

22 (Whereupon, the referred to
23 answer was read back by the
24 Reporter.)

25 Q. When you say you've never went

1 D. ANTOLINI

2 in, what are you referring to?

3 MR. FINKELSTEIN: Objection.

4 A. I couldn't get in.

5 Q. Where? Where are you referring
6 to? Where?

7 MR. FINKELSTEIN: Objection.

8 A. You said Fulton Street.

9 Q. What is at that address,
10 Mr. Antolini?

11 MR. FINKELSTEIN: Objection.

12 A. I don't know. Like I said, I
13 don't keep a diary.

14 Q. So if you don't keep a diary,
15 you know, I'm asking, sitting here today,
16 do you know what that business is at 8288
17 Fulton Street?

18 MR. FINKELSTEIN: Asked and
19 answered three times. Objection.

20 A. No. Here we go again.

21 Q. When did you visit the business
22 at 8288 Fulton Street?

23 MR. FINKELSTEIN: Asked and
24 answered four times, I believe.

25 Objection.

1 D. ANTOLINI

2 MR. MIZRAHI: Susan, you can
3 repeat the question?

4 (Whereupon, the referred to
5 question was read back by the
6 Reporter.)

7 A. I don't remember the date.

8 MR. MIZRAHI: And, Susan, the
9 address is 8288 Fulton Street.

10 THE COURT REPORTER: I did have
11 that. I transposed the numbers.
12 Sorry.

13 Q. Mr. Antolini, are you familiar
14 with a business by the name of Wall Street
15 Bath & Spa?

16 A. No.

17 MR. FINKELSTEIN: Objection.
18 Objection.

19 Q. Mr. Antolini, are you familiar
20 with a business by the name of Athena Nail
21 Spa?

22 MR. FINKELSTEIN: Objection.

23 A. No.

24 Q. Mr. Antolini, are you familiar
25 with a business by the name of Benny's Thai

1 D. ANTOLINI

2 Cafe?

3 MR. FINKELSTEIN: Objection.

4 A. No.

5 Q. What about Isaac Fulton

6 Haircutter?

7 MR. FINKELSTEIN: Objection.

8 A. No.

9 Q. And Asia Walk?

10 MR. FINKELSTEIN: Objection.

11 A. No.

12 Q. What about Mr. Rafael's

13 Cleaners & Tailoring?

14 MR. FINKELSTEIN: Objection.

15 A. No.

16 Q. What about My Opticians?

17 MR. FINKELSTEIN: Objection.

18 A. No.

19 Q. What about NY City Buyers?

20 MR. FINKELSTEIN: Objection.

21 A. No.

22 Q. What about Tandoor Palace?

23 MR. FINKELSTEIN: Objection.

24 A. No.

25 Q. So, for the record, you're not

1 D. ANTOLINI

2 familiar with any of those businesses?

3 MR. FINKELSTEIN: Objection.

4 Asked and answered.

5 A. No. I never went in there.

6 Q. I'm not asking if you've ever
7 been in there; I'm asking if you're
8 familiar with any businesses by those
9 names?

10 MR. FINKELSTEIN: Objection.

11 A. No.

12 Q. I'm sorry, Mr. Antolini, can
13 you repeat that?

14 A. No.

15 Q. Is it your testimony that
16 you've never visited any of those
17 businesses?

18 MR. FINKELSTEIN: Objection.

19 That's --

20 A. I never went in.

21 MR. FINKELSTEIN: That's based
22 on privilege, and a matter of public
23 record.

24 Q. Mr. Antolini, can you repeat
25 that?

1 D. ANTOLINI

2 A. I never went in.

3 Q. Mr. Antolini, I'm not asking if
4 you've ever went in; I'm asking if you've
5 ever visited them?

6 MR. FINKELSTEIN: Objection.

7 Asked and answered.

8 A. Visiting and going in, he's
9 using semantics (indiscernible).

10 THE COURT REPORTER: I'm sorry,
11 I didn't hear that. Can you repeat
12 it, please?

13 THE WITNESS: I think they're
14 underground. They're all street
15 level.

16 THE COURT REPORTER: I think
17 they're underground. They're all
18 street level. Got it.

19 THE WITNESS: I think the
20 lawyer is using semantics to confuse
21 me. (Indiscernible.)

22 MR. FINKELSTEIN: Relax, Dino.
23 Relax. Take it easy, please.

24 THE COURT REPORTER: I didn't
25 hear him. I'm sorry.

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25

D. ANTOLINI

THE WITNESS: I'm not -- I'm a sick man. This guy is harassing me. I'll file a complaint with the judge if I can.

MR. FINKELSTEIN: Dino, do you want to take a break?

(Unidentified woman speaking.)

MR. FINKELSTEIN: Dino, let's take a break. I got 12:44. Let's make it until five after 1.

MR. MIZRAHI: We're not going to wait that long, Stuart.

MR. FINKELSTEIN: I don't care what you want. His blood pressure is up. He's not feeling well. We're not interested in what you're waiting for. I'm not asking you, I'm telling you, we're taking a 15-minute break.

MR. MIZRAHI: Jason, if you can please note the time for the record. We're going to --

MR. FINKELSTEIN: It's 12:44.

MR. MIZRAHI: We're going to --

MR. FINKELSTEIN: It's 12:44.

1 D. ANTOLINI

2 MR MIZRAHI: -- we're going to
3 reserve the right to include this
4 time --

5 MR. FINKELSTEIN: Of course.
6 Of course.

7 MR. MIZRAHI: -- on top of our
8 -- on top of our deposition time.

9 MR. FINKELSTEIN: Of course.
10 12:44. Five after, okay.

11 And mute, right, you said,
12 Susan? Because if we leave, it will
13 be crazy, right, Jason?

14 THE VIDEOGRAPHER: Yes. Off
15 the record at 12:45.

16 (Whereupon, a brief recess was
17 taken.)

18 THE VIDEOGRAPHER: We are now
19 back on the record. The time is 1:06 p.m.

20 MR. MIZRAHI: This is Jason
21 Mizrahi, counsel for defendants.
22 We've taken another 21-minute break.
23 Defendants have an additional 21
24 minutes, for a combined total of 42
25 minutes to add to the continued

1 D. ANTOLINI

2 deposition of Mr. Antolini.

3 BY MR. MIZRAHI:

4 Q. Mr. Antolini, are you familiar
5 with the business at 110 Thompson Street,
6 New York, New York 10012?

7 MR. FINKELSTEIN: Objection to
8 form.

9 Again, totally outside the
10 scope of this lawsuit. Other places
11 he's bringing up have nothing to do
12 with this lawsuit, so I just want to
13 put that --

14 MR. MIZRAHI: Susan, please
15 note --

16 MR. FINKELSTEIN: -- objection
17 for the record.

18 MR. MIZRAHI: Susan, Susan,
19 before you read the question again,
20 please note opposing counsel's
21 improper speaking objection for the
22 record.

23 And Susan, you could please --

24 MR. FINKELSTEIN: Note my
25 objection to his objection, please.

1 D. ANTOLINI

2 MR. MIZRAHI: -- you can state
3 the question again, please.

4 (Whereupon, the referred to
5 question was read back by the
6 Reporter.)

7 A. What does this have to do with
8 this? I want to know?

9 Q. Mr. Antolini?

10 A. Yeah. I want to know? What
11 does that have to do with this?

12 Q. Mr. Antolini?

13 A. Are you just (indiscernible).

14 THE COURT REPORTER: I'm sorry,
15 I didn't hear that.

16 A. What does it have to do with
17 this?

18 Q. Mr. Antolini, can you hear me?

19 A. Yeah.

20 Q. Okay. Mr. Antolini, let me be
21 clear with you --

22 MR. FINKELSTEIN: Objection.

23 Q. -- that the judge has given me
24 five days to take your deposition.

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. (Indiscernible.)

3 Q. No. He gave me Monday, Tuesday
4 Wednesday, Thursday, Friday. I have -- I
5 have all the time to sit and take your
6 deposition.

7 MR. FINKELSTEIN: Objection.

8 Sounds like harassment.

9 MR. MIZRAHI: No.

10 Q. Mr. Antolini, listen to me.

11 MR. FINKELSTEIN: Objection to
12 listen to me.

13 Q. Okay. I'm just asking you to
14 answer my questions. The sooner you answer
15 my questions, the sooner we can be done.

16 MR. FINKELSTEIN: Objection.

17 Q. Okay?

18 MR. MIZRAHI: So, Susan, please
19 repeat the question that was asked.

20 THE WITNESS: Hello?

21 THE COURT REPORTER: Sorry, I
22 was getting to that spot,
23 Mr. Antolini.

24 (Whereupon, the referred to
25 question was read back by the

1 D. ANTOLINI

2 Reporter.)

3 MR. FINKELSTEIN: Are we back
4 on the record?

5 A. (Indiscernible).

6 THE COURT REPORTER: Can you
7 repeat that?

8 THE WITNESS: Am I a
9 computer --

10 MR. FINKELSTEIN: Am I a
11 computer.

12 THE WITNESS: -- to have all of
13 the addresses memorized?

14 Q. Mr. Antolini, please answer the
15 question.

16 A. I know my --

17 MR. FINKELSTEIN: Objection.

18 Objection. Asked and answered.

19 (Unreportable crosstalk.)

20 THE COURT REPORTER: I didn't
21 hear his answer over the objection.

22 I'm sorry, can you repeat that
23 answer, Mr. Antolini.

24 THE WITNESS: I have no idea
25 what he's talking about. That's my

1 D. ANTOLINI

2 answer. Final answer.

3 Q. Mr. Antolini, are you familiar
4 with a restaurant by the name of Coquette?

5 A. Who?

6 MR. FINKELSTEIN: Objection.

7 A. Like I said, I don't keep a
8 diary.

9 Q. Mr. Antolini, my question was
10 if you're familiar with a restaurant by the
11 name of Coquette?

12 MR. FINKELSTEIN: Objection.

13 Asked and answered.

14 A. I don't keep a diary.

15 Q. Mr. Antolini, I'm not asking
16 whether or not you keep a diary.

17 A. I said no.

18 Q. Okay.

19 A. I have no idea where you're
20 going. What are you trying to do? What
21 does it have to do with Madame X?

22 Q. Mr. Antolini, I'm going to ask
23 the questions and you're going to answer
24 them.

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. Really?

3 Q. Okay?

4 MR. FINKELSTEIN: Objection.

5 A. (Indiscernible.)

6 Q. Very respectfully, this is your
7 deposition.

8 MR. FINKELSTEIN: Objection.

9 Q. I ask the questions and you
10 have to answer them.

11 A. I have no idea.

12 MR. FINKELSTEIN: Objection.

13 Objection.

14 What's the answer? Madam Court
15 Reporter, I have no idea, is that
16 what he said?

17 (Whereupon, the referred to
18 answer was read back by the
19 Reporter.)

20 MR. FINKELSTEIN: Thank you.

21 Q. What about the restaurant
22 located at 545 East 5th Street --

23 MR. FINKELSTEIN: Objection.

24 Q. -- New York, New York 10009?

25 MR. FINKELSTEIN: Same

1 D. ANTOLINI

2 objection.

3 A. I don't know.

4 Q. It also has another address;
5 it's 76 Avenue B, New York, New York,
6 10009?

7 MR. FINKELSTEIN: Objection.

8 A. (Indiscernible.)

9 THE COURT REPORTER: Repeat
10 that?

11 A. By Tompkins Park. I know.

12 Q. And are you familiar with a
13 business at 76 Avenue B?

14 MR. FINKELSTEIN: Objection.

15 A. I'm not -- not in it.

16 Q. I didn't hear you?

17 A. I know it's by Tompkins Park.

18 Q. I asked if you've ever been to
19 the business at 76 Avenue B?

20 MR. FINKELSTEIN: Objection.

21 A. Never been in. Never been in.

22 MR. FINKELSTEIN: Objection.

23 Q. Have you ever -- have you ever
24 visited it?

25 MR. FINKELSTEIN: He answered.

1 D. ANTOLINI

2 He said never been in.

3 Note my objection.

4 MR. MIZRAHI: Susan, Susan,
5 please note the improper speaking
6 objection for the record.

7 MR. FINKELSTEIN: Madam Court
8 Reporter, did you transcribe what he
9 said, never been in? I just want to
10 make sure.

11 THE COURT REPORTER: Yes.

12 Q. Mr. Antolini, I'm not asking
13 you if you've ever been in. I'm asking if
14 you ever visited it?

15 MR. FINKELSTEIN: Objection.

16 A. What do you mean did I visit
17 it?

18 Q. Have you ever attempted to
19 visit that --

20 MR. FINKELSTEIN: Objection.

21 Q. -- business?

22 MR. FINKELSTEIN: Objection.

23 A. Yes.

24 Q. Okay. What is that business?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. I have no -- I don't remember.

3 Q. A moment ago you said that you
4 attempted to visit it?

5 MR. FINKELSTEIN: Objection.

6 Argumentative. Objection.

7 A. Yes.

8 Q. So I'm going to ask you again,
9 what is that business?

10 MR. FINKELSTEIN: Objection.

11 A. I don't know.

12 Q. So if you don't know, how can
13 you tell me that you visited it?

14 A. I was never in there.

15 Q. Mr. Antolini, I'm not asking
16 you if you've ever --

17 MR. FINKELSTEIN: Objection.

18 Objection. Asked and answered.

19 Q. Mr. Antolini?

20 A. (Indiscernible.)

21 Q. Mr. Antolini, I asked if you've
22 ever attempted to visit the business?

23 A. Yes.

24 MR. FINKELSTEIN: Objection.

25 Q. And what did you --

1 D. ANTOLINI

2 A. I wouldn't lie.

3 Q. Can you say that again?

4 A. I wouldn't lie.

5 Q. Okay. What is that -- what is
6 that business address? What is that?

7 A. I don't remember.

8 MR. FINKELSTEIN: Objection.

9 Q. If you don't -- if you don't
10 remember, how can you remember that you
11 ever attempted to visit it?

12 MR. FINKELSTEIN: Objection.

13 Harassment. Objection.

14 A. I'm telling you, I don't
15 remember the name.

16 Q. Okay. When did you visit this
17 business?

18 MR. FINKELSTEIN: Objection.

19 THE WITNESS: Hello?

20 (Indiscernible).

21 MR. FINKELSTEIN: What, Dino?

22 That must be his battery.

23 Dino, you there?

24 THE WITNESS: Hold on.

25 MR. FINKELSTEIN: Okay. No

1 D. ANTOLINI

2 worries.

3 THE WITNESS: I'm here.

4 MR. FINKELSTEIN: Good.

5 MR. MIZRAHI: Madam Court
6 Reporter, could you please repeat the
7 last question that was asked?

8 THE COURT REPORTER: Sure.

9 (Whereupon, the referred to
10 question was read back by the
11 Reporter.)

12 MR. FINKELSTEIN: Objection.

13 A. I have no idea.

14 Q. Mr. Antolini, do you recall how
15 many times you visited the business?

16 MR. FINKELSTEIN: Objection.

17 Argumentative.

18 A. I don't remember.

19 MR. FINKELSTEIN: And

20 harassment. Objection.

21 Q. Do you know what's located at
22 that business address?

23 MR. FINKELSTEIN: Objection.

24 A. I have no idea where you're
25 going.

1 D. ANTOLINI

2 Q. And do you have any plans to go
3 back to that address, Mr. Antolini?

4 MR. FINKELSTEIN: Same
5 objection.

6 A. Are you a lawyer
7 (indiscernible).

8 MR. MIZRAHI: Madam Court
9 Reporter --

10 THE COURT REPORTER: I didn't
11 hear the ending --

12 MR. MIZRAHI: -- can you please
13 repeat the last question?

14 THE COURT REPORTER: I didn't
15 hear the ending of his answer.

16 The question was, And do you
17 have any plans to go back to that
18 address, Mr. Antolini?

19 Mr. Finkelstein, same
20 objection.

21 And then I didn't hear the
22 answer.

23 THE WITNESS: I don't know.

24 THE COURT REPORTER: Okay.

25 Sorry, counsel, what did you

1 D. ANTOLINI

2 want me to read back?

3 MR. FINKELSTEIN: Me?

4 THE COURT REPORTER: Someone
5 asked me to read --

6 THE WITNESS: I don't know.

7 Q. Mr. Antolini, are you familiar
8 with the address at 222 Thompson Street,
9 New York, New York?

10 MR. FINKELSTEIN: Same
11 objection, pursuant to Rule 30(a) on
12 grounds. Same objection.

13 A. I don't know.

14 Q. Have you ever visited that
15 business address?

16 MR. FINKELSTEIN: Same
17 objection.

18 A. Yeah. I never went in.

19 Q. Have you ever attempted to
20 visit that business address?

21 MR. FINKELSTEIN: Objection.

22 A. (Indiscernible.)

23 THE COURT REPORTER: Can you
24 repeat that?

25 THE WITNESS: (Indiscernible.)

1 D. ANTOLINI

2 THE COURT REPORTER: I mostly
3 went by?

4 THE WITNESS: I must have.

5 THE COURT REPORTER: Must have
6 went by. Okay.

7 Q. When did you attempt to visit
8 this business?

9 MR. FINKELSTEIN: Objection.

10 A. I have no idea.

11 Q. How many times did you attempt
12 to visit this business?

13 A. I don't know.

14 MR. FINKELSTEIN: Objection.

15 Q. What date did you attempt --

16 MR. FINKELSTEIN: Objection.

17 Q. -- to visit this business?

18 A. I don't know.

19 Q. Why did you attempt to visit --

20 MR. FINKELSTEIN: Objection.

21 Q. -- this business?

22 A. I don't know.

23 THE COURT REPORTER: You guys
24 are talking over each other. Just
25 give it a little breath in between,

1 D. ANTOLINI

2 because it's going on top of each
3 other.

4 Q. Do you have any future plans to
5 visit this business?

6 MR. FINKELSTEIN: Objection.

7 A. I don't know what you're
8 talking about.

9 Q. I'm talking about the business
10 at 222 Thompson Street, New York, New York?

11 A. I don't know. I told you
12 everything's spur of the moment,
13 spontaneous. (Indiscernible).

14 Q. Fair --

15 (Unreportable crosstalk.)

16 MR. FINKELSTEIN: Let him
17 finish his question [sic], sir. He's
18 still -- he's talking, you're
19 interrupting him.

20 What's the last thing you heard
21 him say, please, Madam Court
22 Reporter?

23 (Whereupon, the referred to
24 answer was read back by the
25 Reporter.)

1 D. ANTOLINI

2 MR. FINKELSTEIN: Thank you.

3 A. I will go if I have a chance.

4 Q. Do you know what that business
5 address is?

6 MR. FINKELSTEIN: Objection.

7 A. No.

8 Q. So you don't have any specific --

9 MR. FINKELSTEIN: Objection.

10 A. I don't keep a diary.

11 MR. FINKELSTEIN: Same
12 objection.

13 Q. Mr. Antolini, are you familiar
14 with --

15 A. (Indiscernible). I don't keep
16 a diary. Okay? (Indiscernible). If I
17 have a stroke, I'm gonna blame you.

18 THE COURT REPORTER: I'm sorry,
19 all I heard was, I don't keep a
20 diary, okay?

21 I didn't hear what he said
22 after that.

23 THE WITNESS: But now I will.

24 And if I have a stroke, I blame him.

25 Q. Mr. Antolini?

1 D. ANTOLINI

2 A. You're harassing me.

3 Q. I'm asking you a question,
4 Mr. Antolini?

5 MR. FINKELSTEIN: Objection.

6 A. You're harassing me.

7 Q. Mr. Antolini, are you familiar
8 with a business at 195 10th Avenue --

9 MR. FINKELSTEIN: Objection.

10 Q. -- New York, New York --

11 MR. FINKELSTEIN: Same
12 objection.

13 Q. 10011?

14 MR. FINKELSTEIN: Objection.

15 A. Yeah.

16 THE COURT REPORTER:

17 Mr. Antolini, can you just take your
18 finger off the camera?

19 THE WITNESS: Okay.

20 THE COURT REPORTER: Thank you.

21 THE WITNESS: Okay. You're
22 welcome.

23 MR. MIZRAHI: Madam Court
24 Reporter, you can repeat the
25 question.

1 D. ANTOLINI

2 THE COURT REPORTER: Sure.

3 (Whereupon, the referred to
4 question was read back by the
5 Reporter.)

6 MR. FINKELSTEIN: And note my
7 objection, please, ma'am. Thank you.

8 A. If it was by (indiscernible)
9 street, yes.

10 THE COURT REPORTER: If it was
11 by what street?

12 THE WITNESS: 23rd.

13 THE COURT REPORTER: 23rd
14 Street.

15 THE WITNESS: 2-3.

16 Q. Mr. Antolini, what is this
17 business address?

18 MR. FINKELSTEIN: Objection.

19 A. What?

20 MR. MIZRAHI: Madam Court
21 Reporter, you can ask the question
22 again.

23 (Whereupon, the referred to
24 question was read back by the
25 Reporter.)

1 D. ANTOLINI

2 MR. FINKELSTEIN: Note my
3 objection.

4 A. I have no idea.

5 Q. Have you ever been --

6 A. I don't keep a diary. But now
7 I will.

8 Q. Okay. Mr. Antolini, I'm not
9 asking if you keep a diary.

10 MR. FINKELSTEIN: Objection.

11 A. I don't keep one. But now I
12 will.

13 Q. I'm not asking -- I'm not
14 asking you if you --

15 A. Believe me, now I will.

16 Q. I'm not asking you --

17 (Unreportable crosstalk.)

18 Q. Mr. Antolini, I'm not
19 interested in knowing if you keep a diary.
20 I'm interested in knowing if you know the
21 business address at 195 10th Avenue?

22 MR. FINKELSTEIN: Objection.

23 A. If it's by 23rd Street.

24 Q. Do you know what is located at
25 that business?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. If it's by 23rd Street.

4 Q. Are you familiar with a
5 restaurant by the name of Pepe Giallo?

6 MR. FINKELSTEIN: Objection.

7 A. Yes.

8 Q. What is it?

9 MR. FINKELSTEIN: Objection.

10 A. A restaurant.

11 Q. What kind of restaurant is it?

12 MR. FINKELSTEIN: Objection.

13 A. Spanish.

14 Q. Have you ever attempted to
15 visit this business?

16 MR. FINKELSTEIN: Objection.

17 A. Yes.

18 Q. When?

19 MR. FINKELSTEIN: Objection.

20 A. I don't remember.

21 Q. What date did you attempt to
22 visit this business?

23 MR. FINKELSTEIN: Objection.

24 A. I don't remember.

25 Q. What time did you attempt --

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 Q. -- to visit this business?

4 MR. FINKELSTEIN: Objection.

5 A. I don't remember.

6 Q. Who were you with when you
7 attempted to visit this business?

8 MR. FINKELSTEIN: Objection.

9 A. By myself.

10 Q. How many times -- how many
11 times have you attempted to visit this
12 business?

13 MR. FINKELSTEIN: Objection.

14 A. Once.

15 Q. Mr. Antolini, are you familiar
16 with the business at 228 Thompson Street in --

17 MR. FINKELSTEIN: Objection.

18 Q. --New York, New York --

19 MR. FINKELSTEIN: Asked and
20 answered.

21 Q. -- 10012?

22 MR. FINKELSTEIN: Asked and
23 answered about seven, eight minutes
24 ago. Objection.

25 Q. Mr. Antolini?

1 D. ANTOLINI

2 A. You asked me that seven times
3 already.

4 Q. I haven't asked you this
5 question before, Mr. Antolini --

6 MR. FINKELSTEIN: Objection.

7 Q. -- and I'm going to ask it --
8 I'm going to just ask it again.

9 Have you --

10 MR. FINKELSTEIN: Objection.

11 Q. Have you ever -- are you
12 familiar with the business at 228 Thompson
13 Street --

14 MR. FINKELSTEIN: Objection.

15 Q. -- in New York, New York?

16 A. I don't know.

17 Q. Have you ever visited this
18 business?

19 MR. FINKELSTEIN: Objection.

20 A. I never went in.

21 Q. Have you ever attempted to
22 visit this business?

23 MR. FINKELSTEIN: Objection.

24 A. Yes.

25 Q. When?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. I don't remember.

4 Q. How can you be sure that you've
5 attempted to visit it if you can't remember
6 what time you visited?

7 MR. FINKELSTEIN: Objection.

8 A. (Indiscernible).

9 THE COURT REPORTER: I'm sorry,
10 I didn't hear his answer over the
11 objection.

12 A. I'm not an idiot. I don't keep
13 a diary.

14 Q. When did you attempt to visit
15 this business?

16 MR. FINKELSTEIN: Objection.

17 A. You're harassing me.

18 Q. Mr. Antolini, I'm just asking
19 you a question.

20 MR. FINKELSTEIN: Objection.

21 A. No, you're not. You're
22 attempting to (indiscernible). You're
23 harassing me. (Indiscernible).

24 THE COURT REPORTER: I'm not --

25 Q. Mr. Antolini, when did you

1 D. ANTOLINI

2 attempt to visit this business?

3 MR. FINKELSTEIN: Objection.

4 A. I have no idea.

5 Q. Mr. Antolini, are you familiar
6 with a business at 160 --

7 MR. FINKELSTEIN: Objection.

8 Q. -- Eighth Avenue, New York, New
9 York 10011?

10 MR. FINKELSTEIN: Objection.

11 A. I have no idea.

12 THE COURT REPORTER: Hang on.

13 Can I just ask, Mr. Finkelstein, can
14 you just let him get the whole
15 question out? Because the address is
16 getting choppy when you're objecting
17 in the middle of the question.

18 MR. FINKELSTEIN: Okay.

19 Dino, take your time in
20 answering so she gets a clean record.

21 THE COURT REPORTER: I just
22 want to make sure, was the address
23 160 Eighth Avenue, New York, New York
24 10011?

25 MR. MIZRAHI: Yes.

1 D. ANTOLINI

2 THE COURT REPORTER: Okay.

3 MR. FINKELSTEIN: You got my
4 objection on the record?

5 THE COURT REPORTER: I did.

6 MR. FINKELSTEIN: Thank you.

7 Q. Mr. Antolini, do you know what
8 this address is?

9 MR. FINKELSTEIN: Objection.

10 A. No.

11 Q. Have you ever attempted to
12 visit this address?

13 MR. FINKELSTEIN: Objection.

14 A. I have no idea.

15 Q. And do you have any future
16 plans to visit this address?

17 MR. FINKELSTEIN: Objection.

18 A. If I don't know what you're
19 talking about, how do I have plans?

20 Q. Okay. Mr. Antolini --

21 (Unreportable crosstalk.)

22 Q. -- are you familiar with the
23 address at 39 Christopher Street --

24 MR. FINKELSTEIN: Objection.

25 Q. -- New York, New York 10014?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection,
3 please. Thanks.

4 A. Like I said, I don't keep a
5 diary. I don't have a computer for a
6 memory.

7 Q. Mr. Antolini, I'm not asking
8 you if you keep a diary. I'm asking you,
9 yes or no --

10 MR. FINKELSTEIN: Objection.

11 Q. -- are you familiar with the
12 business at --

13 MR. FINKELSTEIN: Objection.

14 (Unreportable crosstalk.)

15 MR. FINKELSTEIN: Objection.

16 Objection to the tone of counsel's
17 voice. Objection.

18 Q. Mr. Antolini, what is -- what
19 is the business at 39 Christopher Street,
20 New York, New York 10014?

21 MR. FINKELSTEIN: Objection.

22 A. I'm not Google. I don't know.

23 Q. Have you ever visited this
24 business?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. I don't know.

3 Q. Do you have any future plans to
4 return to this business?

5 MR. FINKELSTEIN: Objection.

6 A. I don't know.

7 Q. Are you familiar with Lamano
8 West Village restaurant?

9 MR. FINKELSTEIN: Objection.

10 A. I don't know.

11 Q. Are you familiar with the
12 business at 79 Orchard Street --

13 MR. FINKELSTEIN: Objection.

14 Q. -- New York, New York 10002?

15 MR. FINKELSTEIN: Objection.

16 A. I don't know. (Indiscernible).

17 THE COURT REPORTER: I didn't
18 hear the end of that.

19 THE WITNESS: (Indiscernible.)

20 THE COURT REPORTER: I'm not
21 hearing that. I heard, I don't know,
22 and I didn't hear what you said after
23 that.

24 THE WITNESS: (Indiscernible).

25 THE COURT REPORTER: I'm still

1 D. ANTOLINI

2 not understanding him.

3 THE WITNESS: Tell me the name.
4 It might ring a bell.

5 THE COURT REPORTER: It might
6 ring a bell. Tell me the name; it
7 might ring a bell?

8 THE WITNESS: Yes.

9 MR. FINKELSTEIN: Yes, yes.

10 That's what he said. Yes.

11 Q. Do you know what the business
12 is at 79 Orchard Street?

13 MR. FINKELSTEIN: Objection.

14 A. I told you, tell me the name.
15 Fucking guy.

16 Q. It goes by the name -- it's a
17 restaurant by the name of Cafe Katja?

18 A. Yeah.

19 Q. What is it?

20 MR. FINKELSTEIN: Objection.

21 A. I went by there. It looks like
22 a (indiscernible) joint.

23 THE COURT REPORTER: It looks
24 like a?

25 THE WITNESS: Mafia.

1 D. ANTOLINI

2 THE COURT REPORTER: Mafia?

3 THE WITNESS: Joint. Yes. I
4 don't know. My name is Antolini.
5 (Indiscernible) Dino Antolini.
6 (Indiscernible).

7 THE COURT REPORTER: You've got
8 to repeat that. I didn't hear the
9 end of it.

10 THE WITNESS: Okay.
11 (Indiscernible.)

12 THE COURT REPORTER: Hang on.
13 Hang on. I'm not hearing you, but
14 your finger is also in front of the
15 camera. I'm sorry.

16 THE WITNESS: Okay.
17 Godfather --

18 THE COURT REPORTER: Godfather.

19 THE WITNESS: -- Part II. Part
20 II.

21 MR. FINKELSTEIN: Part II.

22 Q. Mr. Antolini, have you ever
23 visited or attempted to visit this
24 business?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. Yeah.

3 Q. When?

4 MR. FINKELSTEIN: Objection.

5 THE WITNESS: Hello? Wait.

6 Hold on. Okay. Okay. You there?

7 MR. FINKELSTEIN: Yeah, we're
8 here, Dino.

9 THE COURT REPORTER: We can
10 hear you.

11 A. Okay. I said yes.

12 Q. Mr. Antolini, I see that you're
13 looking at another screen right now.

14 MR. FINKELSTEIN: Objection.

15 Q. Are you -- are you looking at
16 another screen right now?

17 MR. FINKELSTEIN: Objection.

18 A. No.

19 Q. Okay. I see -- I see that you
20 have another screen in front of you. Are
21 you looking somewhere else?

22 MR. FINKELSTEIN: Objection.

23 A. I see you with glasses on.

24 Q. Okay. Mr. Antolini, please
25 take your finger off of the camera.

1 D. ANTOLINI

2 A. Okay. I see you. You have
3 black glasses, mustache and a beard.

4 Q. Mr. Antolini, have you ever
5 visited or attempted to visit the business
6 at 79 Orchard Street?

7 MR. FINKELSTEIN: Objection.

8 A. Yes.

9 Q. When?

10 MR. FINKELSTEIN: Objection.

11 A. I don't remember.

12 Q. How many times did you attempt
13 to visit this business?

14 MR. FINKELSTEIN: Objection.

15 A. I don't remember.

16 Q. Why did you attempt to visit
17 this business?

18 MR. FINKELSTEIN: Objection.

19 A. I don't remember.

20 Q. Do you have any future plans to
21 return to that business?

22 MR. FINKELSTEIN: Objection.

23 A. Yeah.

24 Q. Can you tell me what they are?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. Like I said a hundred times
3 before, spur of the moment, spontaneous.
4 You never know what's going to happen.

5 Do you know? Do you know? Do
6 you know? Do you know? (Indiscernible).
7 This is harassing.

8 Q. Mr. Antolini, are you familiar
9 with a business at 207 10th Avenue, New
10 York, New York 10011?

11 MR. FINKELSTEIN: Objection.

12 A. Like I said, if it's by West
13 23rd Street. I'm not MapQuest.

14 Q. Mr. Antolini, yes or no --

15 MR. FINKELSTEIN: Objection.

16 Q. Are you familiar with a
17 business at 207 10th Avenue?

18 MR. FINKELSTEIN: Objection.

19 A. I told you, I'm not MapQuest.
20 Tell me the name. It might jog my memory.

21 Q. Do you know -- do you know what
22 the business at 207 10th Avenue is?

23 MR. FINKELSTEIN: Objection.

24 A. Tell me the name and it might
25 jog my memory.

1 D. ANTOLINI

2 Q. Are you familiar with a
3 restaurant by the name of Juban?

4 MR. FINKELSTEIN: Objection.

5 A. Yes.

6 Q. What is it?

7 MR. FINKELSTEIN: Objection.

8 A. I don't remember.

9 Q. Tell me what it is? What is
10 it?

11 MR. FINKELSTEIN: Objection.

12 Objection.

13 A. A restaurant.

14 Q. What kind of restaurant is it?

15 MR. FINKELSTEIN: Objection.

16 Asked and answered.

17 A. I don't remember. Like I said
18 before, I don't keep a diary.

19 Q. Mr. Antolini, please take your
20 finger off of the camera.

21 A. Yes. Okay? You happy? Okay.

22 Q. Are you familiar with a
23 restaurant by the name of Juban?

24 MR. FINKELSTEIN: Objection.

25 A. Correct.

1 D. ANTOLINI

2 Q. What is it?

3 MR. FINKELSTEIN: Objection.

4 A. I don't remember.

5 MR. FINKELSTEIN: Asked and
6 answered.

7 Q. Have you ever -- have you ever
8 attempted to visit this business?

9 MR. FINKELSTEIN: Objection.

10 A. Yes.

11 Q. What is it?

12 MR. FINKELSTEIN: Objection.

13 A. I don't remember.

14 Q. When did you attempt to
15 visit --

16 MR. FINKELSTEIN: Objection.

17 Q. -- this business?

18 A. I don't remember.

19 We're going back and forth.

20 When I said I don't remember, I don't keep
21 a diary. (Indiscernible).

22 THE COURT REPORTER: I didn't
23 hear the end of that.

24 When I said I don't remember, I
25 don't keep a diary, what did you say

1 D. ANTOLINI

2 after that?

3 THE WITNESS: What's he trying
4 to do? (Indiscernible).

5 Q. Mr. Antolini, how many times
6 have you attempted to visit this business?

7 MR. FINKELSTEIN: Objection.

8 A. I don't remember.

9 Q. Why did you attempt to visit
10 this business?

11 MR. FINKELSTEIN: Objection.

12 A. I don't remember.

13 Q. And do you have any future
14 plans to return to this business?

15 MR. FINKELSTEIN: Objection.

16 A. Like I said, many times,
17 weather related, health related and
18 (indiscernible).

19 THE COURT REPORTER: Repeat
20 that again, I'm sorry?

21 THE WITNESS: It has to be
22 accessible.

23 THE COURT REPORTER: Accessible?
24 It has to be accessible?

25 MR. FINKELSTEIN: It has to be

1 D. ANTOLINI

2 accessible.

3 Q. Is it currently inaccessible?

4 MR. FINKELSTEIN: Objection.

5 A. What?

6 Q. Is it currently accessible?

7 MR. FINKELSTEIN: Objection.

8 A. I have no idea.

9 Q. Are you familiar with a
10 restaurant by the name of Empellon?

11 MR. FINKELSTEIN: Objection.

12 A. Yes.

13 Q. What is it?

14 MR. FINKELSTEIN: Objection.

15 A. (Indiscernible) restaurant.

16 Q. What is it?

17 MR. FINKELSTEIN: Same

18 objection.

19 A. (Indiscernible) restaurant.

20 THE COURT REPORTER: French
21 restaurant?

22 THE WITNESS: S-P-A-N-I-S-H,
23 Spanish.

24 Q. Where is this restaurant
25 located, Mr. Antolini?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. I have no idea.

4 Q. Have you ever attempted to
5 visit this business?

6 MR. FINKELSTEIN: Objection.

7 A. (Indiscernible.)

8 Q. I can't hear you.

9 MR. FINKELSTEIN: Objection.

10 A. In the past, yes.

11 THE COURT REPORTER: In the
12 past, yes.

13 A. (Indiscernible.)

14 THE COURT REPORTER: What was
15 that?

16 Q. I'm sorry?

17 A. (Indiscernible.)

18 THE COURT REPORTER: I didn't
19 hear it.

20 THE WITNESS: Here we go.
21 (Indiscernible.)

22 THE COURT REPORTER: I still
23 didn't hear it.

24 THE WITNESS: (Indiscernible.)

25 Q. How many times have you

1 D. ANTOLINI

2 attempted to visit that business?

3 A. I don't remember.

4 Q. And why did you attempt to
5 visit that business?

6 MR. FINKELSTEIN: Objection.

7 A. To eat.

8 Q. Do you have any future plans to
9 return there?

10 MR. FINKELSTEIN: Objection.

11 A. Like I said, spur of the
12 moment, spontaneous, to eat.

13 Q. Are you familiar with the
14 business at 145 Avenue C --

15 MR. FINKELSTEIN: Objection.

16 Q. -- New York, New York --

17 MR. FINKELSTEIN: Objection.

18 A. Here we go again. I'm not
19 MapQuest.

20 Q. Are you familiar with the
21 restaurant by the name of Esperanto?

22 MR. FINKELSTEIN: Objection.

23 Objection.

24 A. Yeah.

25 Q. Okay. Have you ever visited a

1 D. ANTOLINI

2 restaurant by the name of Esperanto?

3 MR. FINKELSTEIN: Objection.

4 A. I never went in.

5 Q. Have you ever attempted to
6 visit a restaurant by the name of
7 Esperanto?

8 MR. FINKELSTEIN: Objection.

9 A. I wouldn't lie.

10 (Indiscernible).

11 THE COURT REPORTER: Can you
12 repeat that? I didn't understand.

13 THE WITNESS: What?

14 THE COURT REPORTER: Can you
15 repeat your answer?

16 THE WITNESS: (Indiscernible.)

17 MR. MIZRAHI: Susan, you can
18 ask my question again, please.

19 THE COURT REPORTER: Yeah. I
20 still didn't get the answer. I'll
21 repeat it.

22 (Whereupon, the referred to
23 question was read back by the
24 Reporter.)

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. Yes.

3 Q. When?

4 MR. FINKELSTEIN: Objection.

5 A. I don't remember.

6 Q. How many times have you
7 attempted to visit that restaurant?

8 MR. FINKELSTEIN: Objection,
9 please.

10 A. I don't remember.

11 MR. MIZRAHI: Susan, I note
12 that Mr. Finkelstein was interrupting
13 you. Did you catch that?

14 (Whereupon, the referred to
15 answer was read back by the
16 Reporter.)

17 MR. FINKELSTEIN: Objection.

18 Q. Do you have any future plans to
19 return to this business?

20 MR. FINKELSTEIN: Objection.

21 A. If I'm in the area, yeah.

22 Q. Mr. Antolini, I didn't hear
23 you?

24 MR. FINKELSTEIN: Hold on a
25 second. Hold on.

1 D. ANTOLINI

2 Madam Court Reporter, did you
3 hear his answer.

4 (Whereupon, the referred to
5 answer was read back by the
6 Reporter.)

7 MR. FINKELSTEIN: Thank you.

8 Q. Can you tell me more about your
9 future plans to return to the restaurant?

10 MR. FINKELSTEIN: Objection.

11 A. If I'm still alive. That's
12 what I worry about.

13 Q. Mr. Antolini, are you familiar
14 with the restaurant at 1 --

15 A. (Indiscernible.)

16 THE COURT REPORTER: I'm not
17 hearing him.

18 THE WITNESS: (Indiscernible.)

19 THE COURT REPORTER: I didn't
20 understand that. I'm sorry.

21 THE WITNESS: (Indiscernible.)

22 Look, tomorrow we never know.

23 Q. Okay.

24 A. (Indiscernible). You know that
25 quote? (Indiscernible.)

1 D. ANTOLINI

2 THE COURT REPORTER: I didn't
3 understand that.

4 THE WITNESS: It's a quote.
5 (Indiscernible). Okay?

6 (Indiscernible). We never know.

7 THE COURT REPORTER: Who can
8 predict --

9 Q. Mr. Antolini, Mr. Antolini, are
10 you familiar with the restaurant located at
11 154 West 13th Street in New York?

12 MR. FINKELSTEIN: Objection.

13 A. Here we go. MapQuest. You
14 want me to Google it or what?

15 Q. I'm asking you if you're
16 familiar with the business located at 154
17 West 13th Street in New York?

18 MR. FINKELSTEIN: Objection.

19 A. Why don't you tell me the name?
20 No. Tell me the name, it might jog my
21 memory.

22 Q. Have you ever visited -- have
23 you ever visited the business located at
24 154 West 13th Street?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. I don't remember.

3 Q. Are you familiar with a
4 restaurant by the name of Flex Muscles?

5 MR. FINKELSTEIN: Objection.

6 A. Who?

7 Q. Flex Muscles?

8 MR. FINKELSTEIN: Objection.

9 A. Maybe.

10 Q. Have you ever attempted to
11 visit the Flex Muscles restaurant at --

12 MR. FINKELSTEIN: Objection.

13 Q. -- 154 West 13th Street?

14 MR. FINKELSTEIN: Objection.

15 A. Could be.

16 Q. When?

17 MR. FINKELSTEIN: Objection.

18 A. I don't remember.

19 Q. How many times --

20 A. Like I said, I go out all the
21 time.

22 Q. How many times --

23 A. I'm not a lowlife. I'm not an
24 invalid. (Indiscernible).

25 Q. How many times have you

1 D. ANTOLINI

2 attempted to visit that address?

3 MR. FINKELSTEIN: Objection.

4 A. I don't remember.

5 Q. Do you have any future plans to
6 return to that business?

7 MR. FINKELSTEIN: Objection.

8 A. I have no idea.

9 Q. Are you familiar with a
10 business at 163 East 33rd Street in New
11 York?

12 MR. FINKELSTEIN: Objection.

13 A. Like I said, MapQuest.

14 Q. Mr. Antolini, yes or no, are
15 you familiar with the business --

16 MR. FINKELSTEIN: Objection.

17 Q. -- at 163 East 33rd Street?

18 MR. FINKELSTEIN: Objection.

19 A. Like I told you, I'm not
20 MapQuest. I have no diary.

21 Q. Are you familiar with a
22 restaurant by the name of Le Parisien
23 Bistrot?

24 MR. FINKELSTEIN: Objection.

25 A. No.

1 D. ANTOLINI

2 Q. Have you ever attempted to
3 visit the business Le Parisien Bistrot?

4 MR. FINKELSTEIN: Objection.

5 A. I have no idea.

6 Q. Do you have any future
7 intentions to visit Le Parisien Bistrot?

8 MR. FINKELSTEIN: Objection.

9 A. I have no idea.

10 Q. Are you familiar with a
11 business at 145 Avenue C, New York, New
12 York?

13 MR. FINKELSTEIN: Objection.

14 A. Like I said, MapQuest.

15 Q. I'm going to ask again.

16 Are you familiar with the
17 business at 145 Avenue C, New York, New
18 York?

19 MR. FINKELSTEIN: Objection.

20 Asked and answered. Objection.

21 A. Tell me the name. It might jog
22 my memory.

23 Q. Have you ever visited the
24 business located at 145 Avenue C, New York,
25 New York?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 That's the third time he's asked.

4 Three in a row. Objection.

5 A. Here we go. I asked you the
6 name. Give me the name. It might jog my
7 memory.

8 Remember, I have
9 (indiscernible). I don't need this shit.
10 You can write that down.

11 MR. MIZRAHI: Susan, did you
12 get that?

13 THE WITNESS: Yeah, I hope so.
14 He's harassing me.

15 THE COURT REPORTER: Here we
16 go. I asked you the name. Give me
17 the name. It might jog my memory.
18 Remember, I have -- you have to
19 repeat what you said there -- I don't
20 need this shit. You can write that
21 down.

22 Q. Dino, you said, I have --

23 A. Cerebellar --

24 Q. -- cerebral --

25 A. Ataxia.

1 D. ANTOLINI

2 Q. -- cerebral -- cerebral ataxia.

3 MR. FINKELSTEIN: Objection.

4 You keep interrupting him right
5 in the middle of answering, and the
6 record speaks for itself. Objection
7 again.

8 MR. MIZRAHI: Susan, please
9 note the improper speaking objection
10 for the record.

11 MR. FINKELSTEIN: And note my
12 continuing objection under Rule 30(a)
13 for the record. Thank you.

14 MR. MIZRAHI: Susan, I want to
15 make sure that you got that testimony
16 when the witness said cerebral
17 ataxia.

18 THE COURT REPORTER: Okay, so
19 I'll read back the answer. Let me go
20 back up.

21 MR. FINKELSTEIN: I didn't hear
22 him say that. I didn't hear him say
23 that.

24 THE COURT REPORTER: That's
25 when I asked him to repeat. That was

1 D. ANTOLINI

2 the one part that I couldn't
3 understand him.

4 (Whereupon, the referred to
5 answer was read back by the
6 Reporter.)

7 Q. Mr. Antolini, have you ever
8 attempted to visit the business at 145
9 Avenue C?

10 MR. FINKELSTEIN: Objection.

11 A. You're asking me three times
12 already. I don't know.

13 Q. Mr. Antolini, what about the
14 business at 303 Bowery, New York, New York
15 10003?

16 MR. FINKELSTEIN: Objection.

17 A. I have no idea.

18 Q. Have you ever attempted --

19 A. I'm not MapQuest. Tell me the
20 name.

21 Q. Have you ever attempted to
22 visit this business?

23 MR. FINKELSTEIN: Objection.

24 A. What's the name?

25 Q. Have you ever attempted to

1 D. ANTOLINI

2 visit the business at 303 Bowery in New
3 York, New York?

4 MR. FINKELSTEIN: Objection.

5 A. What's the name?

6 MR. MIZRAHI: Susan, you could
7 please repeat the question.

8 A. What's the name?

9 (Whereupon, the referred to
10 question was read back by the
11 Reporter.)

12 MR. FINKELSTEIN: Objection.

13 A. I don't remember. I'm not
14 MapQuest.

15 Q. Do you have any future plans to
16 return to this business --

17 MR. FINKELSTEIN: Objection.

18 Q. -- Mr. Antolini?

19 MR. FINKELSTEIN: Objection.

20 THE COURT REPORTER: I didn't
21 hear the answer.

22 A. If I don't know the name, how
23 can I have plans?

24 MR. FINKELSTEIN: Objection.

25 Q. The name of the business is

1 D. ANTOLINI

2 Trek Bicycle Bowery.

3 A. Where?

4 Q. Trek Bicycle Bowery?

5 A. I went by there.

6 THE COURT REPORTER: Counsel,
7 I'm sorry, did you say Trek or Track?

8 MR. MIZRAHI: T-R-E-K, Trek.

9 THE COURT REPORTER: Thank you.

10 MR. FINKELSTEIN: Objection.

11 Q. What was that, Mr. Antolini?

12 A. I went by there. I went by
13 there.

14 Q. What was the purpose of your
15 visit?

16 MR. FINKELSTEIN: Objection.

17 A. Curiosity.

18 THE COURT REPORTER: Curiosity.

19 Q. Can you tell me more?

20 MR. FINKELSTEIN: Objection.

21 A. I could use a tricycle.

22 THE COURT REPORTER: I could
23 use a tricycle, you said?

24 THE WITNESS: Yeah.

25 THE COURT REPORTER: Okay.

1 D. ANTOLINI

2 Q. Mr. Antolini, are you familiar

3 -- Mr. Antolini?

4 A. Yeah.

5 Q. Please take your finger off the
6 camera.

7 A. Wait, wait. Okay. Okay. I'm
8 here. You see? Okay. Okay, I'm good.

9 Can you see me? Okay.

10 Q. Are you familiar with the
11 business at 60 East 42nd Street, Suite 4700
12 in New York, New York?

13 MR. FINKELSTEIN: Objection.

14 A. Where?

15 Q. 60 East 42nd Street, Suite
16 4700?

17 MR. FINKELSTEIN: Objection.

18 A. Like I said, I'm not MapQuest.

19 Q. I'm not asking if you're
20 MapQuest; I'm asking if you're familiar
21 with the business at 60 East 42nd Street?

22 MR. FINKELSTEIN: Objection.

23 A. I don't keep a diary. Here we
24 go.

25 Q. I'm not asking -- I'm not

1 D. ANTOLINI

2 asking if you keep a diary. I'm asking --

3 MR. FINKELSTEIN: Objection.

4 Q. -- if you're familiar with the
5 business at 60 East 42nd Street --

6 MR. FINKELSTEIN: Objection.

7 (Unreportable crosstalk.)

8 THE COURT REPORTER: Hang on.

9 Can you repeat that? You guys are
10 talking over each other.

11 Are you familiar with the
12 business at 60 East 42nd Street?

13 A. I don't remember.

14 Q. Have you ever attempted to
15 visit the business at 60 East 42nd Street,
16 Suite 4700?

17 A. I don't remember.

18 Q. How many times have you
19 attempted to visit this business?

20 MR. FINKELSTEIN: Objection.

21 A. I don't remember.

22 Q. Do you have any future plans to
23 visit this business?

24 MR. FINKELSTEIN: Objection.

25 A. Like I said, you never know.

1 D. ANTOLINI

2 Q. Do you know what's located --
3 do you know what's located at that
4 business?

5 A. No.

6 MR. FINKELSTEIN: Objection.

7 Q. Mr. Antolini, do you have any
8 memory loss issues?

9 MR. FINKELSTEIN: Objection.

10 A. Yes.

11 Q. Can you tell me about them?

12 MR. FINKELSTEIN: Objection.

13 A. I don't know. You subpoenaed
14 my record. (Indiscernible).

15 Q. Mr. Antolini --

16 A. (Indiscernible.)

17 THE COURT REPORTER: I'm not
18 hearing him.

19 Can you repeat that,
20 Mr. Antolini? I'm sorry, I didn't
21 hear you.

22 THE WITNESS: He subpoenaed my
23 medical record.

24 MR. MIZRAHI: Susan, you can
25 please repeat the last two questions

1 D. ANTOLINI

2 that were asked.

3 (Whereupon, the referred to
4 portion was read back by the
5 Reporter.)

6 THE COURT REPORTER: And then I
7 -- did you say he subpoenaed my
8 medical record?

9 MR. MIZRAHI: I'm just asking
10 you to repeat the question, Madam
11 Court Reporter. Please repeat the
12 question.

13 MR. FINKELSTEIN: Hold on a
14 second. Did you get that on the
15 transcript, that he subpoenaed my
16 medical records?

17 You have that down on that,
18 Susan, please?

19 THE COURT REPORTER: That's
20 what I have. That's why I was --

21 MR. MIZRAHI: I'm going to note
22 the improper speaking objection for
23 the record, Madam Court Reporter.

24 MR. FINKELSTEIN: Yeah, that's
25 fine.

1 D. ANTOLINI

2 Susan, is it on the record,
3 what he said about he subpoenaed the
4 medical records? Yes?

5 THE COURT REPORTER: Yes. I
6 was just double checking that I heard
7 correctly that's what he said.

8 MR FINKELSTEIN: Thank you.

9 THE COURT REPORTER: Okay. The
10 question -- let me go back.

11 (Whereupon, the referred to
12 question was read back by the
13 Reporter.)

14 Q. Mr. Antolini, can you tell me
15 about your memory issues?

16 MR. FINKELSTEIN: Objection.

17 A. I told you, look up my medical
18 records. You have copies.

19 Q. No, no. Mr. Antolini, I'm
20 asking you --

21 MR. FINKELSTEIN: Objection to
22 the no, no.

23 Q. -- I'm asking you, sitting here
24 today, please, can you tell me about your
25 medical -- your memory loss issues?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. What kind?

4 Q. Tell me? Tell me about your
5 medical history and your memory loss
6 issues?

7 A. What kind?

8 MR. FINKELSTEIN: Objection.

9 Q. What kind of memory loss issues
10 do you have?

11 MR. FINKELSTEIN: Objection.

12 A. (Indiscernible.)

13 THE COURT REPORTER: Can you
14 repeat that? I didn't hear you.

15 THE WITNESS: It depends.

16 THE COURT REPORTER: It
17 depends?

18 THE WITNESS: What names,
19 places, dates. (Indiscernible).

20 THE COURT REPORTER: I didn't
21 hear the end of that. It depends --

22 THE WITNESS: (Indiscernible).
23 I'm not a doctor; I'm not a lawyer.

24 MR. FINKELSTEIN: I'm not a
25 doctor; I'm not a lawyer.

1 D. ANTOLINI

2 THE WITNESS: (Indiscernible).

3 Now I'm getting frickin tired.

4 Q. Mr. Antolini, you said dates
5 and names and places?

6 MR. FINKELSTEIN: Objection.

7 Q. Mr. Antolini?

8 A. Yeah.

9 Q. You said dates, names, places.

10 MR. FINKELSTEIN: Objection.

11 Q. What do you mean by that?

12 MR. FINKELSTEIN: Objection.

13 A. Do you remember where you were?

14 I remember certain dates,
15 times, events; not everything.

16 I'm not God. Are you?

17 Q. Mr. Antolini, I understand --

18 A. Do you remember everything? Do
19 you remember everything?

20 Q. Mr. Antolini, I understand that
21 you fractured your left hip?

22 A. What?

23 Q. I understand that you fractured
24 your left hip?

25 A. (Indiscernible.)

1 D. ANTOLINI

2 MR. FINKELSTEIN: Dino, Dino,
3 chill, chill. Let him ask the
4 question. It's okay. Go ahead.
5 It's all right, Dino.

6 THE WITNESS: Fucking guy.

7 MR. FINKELSTEIN: You're doing
8 all right. You're doing fine.

9 (Unidentified woman speaking.)

10 THE WITNESS: (Indiscernible.)

11 MR. FINKELSTEIN: Dino, take a
12 couple of deep breaths, please. Take
13 a couple -- unless you want --

14 THE WITNESS: (Indiscernible.)

15 MR. FINKELSTEIN: Dino, if you
16 want to take a five --

17 (Unreportable crosstalk.)

18 MR. FINKELSTEIN: If you want
19 to take a five-minute break, let me
20 know; otherwise, take a couple of
21 deep breaths.

22 THE WITNESS: (Indiscernible.)

23 MR. FINKELSTEIN: Huh?

24 THE COURT REPORTER: I didn't
25 hear that.

1 D. ANTOLINI

2 THE WITNESS: (Indiscernible.)

3 MR. FINKELSTEIN: Something
4 therapist.

5 THE COURT REPORTER: I didn't
6 hear it, so if he could repeat it
7 please.

8 Can you repeat it?

9 THE WITNESS: What?

10 THE COURT REPORTER: I didn't
11 hear what you said, Mr. Antolini.
12 Can you repeat it, because I didn't
13 get it on the record.

14 THE WITNESS: He's harassing
15 me.

16 MR. FINKELSTEIN: He's
17 harassing me.

18 Q. Mr. Antolini, I understand that
19 you fractured your left hip.

20 A. I got a new hip. I never
21 fractured it (indiscernible).

22 Q. Can you repeat that?

23 MR. FINKELSTEIN: Hold on a
24 second.

25 Madam Court Reporter, did you

1 D. ANTOLINI

2 get his answer.

3 THE COURT REPORTER: What I
4 heard was, I got a new hip. I never
5 fractured it.

6 MR. FINKELSTEIN: Okay.

7 THE WITNESS: I had a hip
8 replacement.

9 THE COURT REPORTER: I had a
10 hip replacement.

11 Q. You said you had a hip
12 replacement?

13 A. Yeah.

14 Q. Why did you get a hip
15 replacement?

16 A. I fractured my hip.

17 Q. Okay. You fractured your hip?

18 MR. FINKELSTEIN: Objection.

19 Q. How did you fracture your hip,
20 Mr. Antolini?

21 MR. FINKELSTEIN: Objection.

22 A. (Indiscernible).

23 THE COURT REPORTER: I didn't
24 hear that.

25 A. Still. Still. He's harassing

1 D. ANTOLINI

2 me .

3 MR. FINKELSTEIN: Let him ask
4 it. It's okay, Dino. It's all
5 right. Just answer the question.

6 A. Go ahead.

7 MR. FINKELSTEIN: It's all
8 right.

9 A. Go ahead. Go ahead.

10 MR. MIZRAHI: Madam Court
11 Reporter, please ask the question
12 again.

13 (Whereupon, the referred to
14 question was read back by the
15 Reporter.)

16 A. I don't remember.

17 Q. Why did you get a hip
18 replacement?

19 MR. FINKELSTEIN: Asked and
20 answered. Objection.

21 A. I had a (indiscernible).

22 THE COURT REPORTER: I had a?

23 THE WITNESS: Fractured hip.

24 THE COURT REPORTER: Fractured
25 hip.

1 D. ANTOLINI

2 MR. FINKELSTEIN: Fractured

3 hip.

4 A. What do you think, I did it
5 because I want one? I don't understand.

6 Q. Mr. Antolini --

7 A. (Indiscernible). I want a hip
8 replacement? (Indiscernible).

9 MR. FINKELSTEIN: Dino --

10 THE COURT REPORTER: I'm not
11 understanding him.

12 MR. FINKELSTEIN: Dino, listen
13 to me.

14 THE COURT REPORTER: Yeah, I'm
15 not understanding him on the record.

16 MR. FINKELSTEIN: Hold on a
17 second, Susan, please. Please.

18 Dino, it is five minutes to 2.
19 We're taking ten minutes until five
20 after 2.

21 THE WITNESS: Okay.

22 MR. FINKELSTEIN: You're going
23 to relax, get a drink of water,
24 whatever you gotta do.

25 THE WITNESS: Okay.

1 D. ANTOLINI

2 MR. FINKELSTEIN: Thanks,

3 Susan.

4 THE WITNESS: Fucking guy. I
5 don't have --

6 MR. FINKELSTEIN: Hit mute.

7 Hit mute.

8 THE WITNESS: I want to kill
9 this guy.

10 MR. FINKELSTEIN: Hit mute,
11 Dino.

12 MR. MIZRAHI: Jason, if you
13 want to just state the time that
14 we're going off.

15 THE VIDEOGRAPHER: Off the
16 record at 1:56.

17 (Whereupon, a brief recess was
18 taken.)

19 THE VIDEOGRAPHER: We are now
20 back on the record. The time is
21 2:05 p.m.

22 MR. MIZRAHI: Jason Mizrahi.
23 For the record, we've taken another
24 20-minute break on defendant's --

25 MR. FINKELSTEIN: Actually, it

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D. ANTOLINI

was a ten-minute break. We got off
at five minutes to 2. It is now five
after 2. Thank you.

MR. MIZRAHI: Defendants would
like to note that there's a combined
total of 54 minutes to be included to
the plaintiff's deposition.

MR. FINKELSTEIN: I got
52 minutes, but I don't care. It's
okay.

MR. MIZRAHI: Madam Court
Reporter, can you please repeat the
last question that was posed?

(Whereupon, the referred to
question was read back by the
Reporter.)

Q. Mr. Antolini? Mr. Antolini?

A. I'm here.

Q. Do you recall why you fractured
your hip?

MR. FINKELSTEIN: Objection.

A. Yeah.

Q. How did you fracture your hip?

MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. I went from my scooter to
3 (indiscernible).

4 THE COURT REPORTER: I went
5 from my scooter to?

6 THE WITNESS: (Indiscernible.)

7 THE COURT REPORTER: A parking
8 ramp?

9 THE WITNESS: (Indiscernible).

10 THE COURT REPORTER: I'm not
11 understanding him.

12 THE WITNESS: (Indiscernible.)

13 THE COURT REPORTER: I'm not
14 understanding. A bench? A park
15 bench? I went from my scooter --

16 THE WITNESS: Yes.

17 THE COURT REPORTER: Okay. So
18 I went from my scooter to a park
19 bench?

20 THE WITNESS: Yeah.

21 THE COURT REPORTER: Okay.

22 Sorry.

23 Q. Mr. Antolini, are you familiar
24 with a condition by the name of alcoholic
25 cerebral degeneration?

1 D. ANTOLINI

2 A. Yes.

3 MR. FINKELSTEIN: Objection.
4 Objection.

5 Q. What is it?

6 A. You looked it up, right? You
7 looked it up? It's on my record. You're
8 playing stupid. Don't play coy.

9 MR. MIZRAHI: Madam Court
10 Reporter, can you please repeat the
11 last question that was asked?

12 THE WITNESS: He knows
13 everything. He has my medical
14 record. He's being coy.

15 MR. FINKELSTEIN: Are you
16 taking this down, Susan?

17 THE COURT REPORTER: Yes.

18 MR. FINKELSTEIN: Great. Thank
19 you.

20 MR. MIZRAHI: Madam Court
21 Reporter, just repeat the last
22 question that was asked.

23 THE COURT REPORTER: Okay.

24 (Whereupon, the referred to
25 question was read back by the

1 D. ANTOLINI

2 Reporter.)

3 A. Yes.

4 MR. FINKELSTEIN: You got my
5 objection on the record?

6 THE COURT REPORTER: Yes.

7 MR. FINKELSTEIN: Thank you.

8 Q. Mr. Antolini, what is it?

9 A. I'm not a doctor.

10 Q. Okay. Can you describe what it
11 is in laymen's terms?

12 MR. FINKELSTEIN: Objection.

13 A. (Indiscernible.)

14 THE COURT REPORTER: Repeat
15 that? I didn't hear that.

16 THE WITNESS: He's playing
17 stupid. He's playing stupid. He
18 knows.

19 THE COURT REPORTER: I didn't
20 hear what you said before, He's
21 playing stupid, he knows.

22 THE WITNESS: He's harassing
23 me. He's harassing me.

24 MR. FINKELSTEIN: Dino? Dino?
25 When you yell, you come in distorted,

1 D. ANTOLINI

2 so talk softly and she'll be able to
3 get you down a lot easier. Okay,
4 champ? Please? Thank you.

5 THE WITNESS: Okay. Here we
6 go. Killing all your brain cells.

7 THE COURT REPORTER: Killing
8 all your brain cells?

9 THE WITNESS: Yeah.

10 Q. Is that killing of the brain
11 cells caused by alcohol consumption?

12 A. Yes.

13 MR. FINKELSTEIN: Objection.

14 (Unreportable crosstalk.)

15 THE COURT REPORTER: I didn't
16 hear that over the objection. Can
17 you repeat it?

18 THE WITNESS: Cerebellar
19 ataxia, the doctor said. I have no
20 idea. I'm not a doctor. I'm not a
21 lawyer.

22 Go ahead.

23 MR MIZRAHI: Madam Court
24 Reporter, did you get that?

25 THE COURT REPORTER: The answer

1 D. ANTOLINI

2 I heard was, cerebellar ataxia, the
3 doctor said. I have no idea. I'm
4 not a doctor. I'm not a lawyer.

5 Q. Have you ever been diagnosed
6 with alcoholic cerebral degeneration?

7 MR. FINKELSTEIN: Objection.

8 A. Here we go again. Same
9 question. Look it up in my medical
10 records.

11 Q. Mr. Antolini, my question
12 was --

13 MR. FINKELSTEIN: Objection.

14 Q. I need to ask you because
15 you're sitting here.

16 My question is: Have you ever
17 been diagnosed with alcoholic cerebral
18 degeneration?

19 MR. FINKELSTEIN: Objection.

20 Asked and answered numerous times.

21 A. They told me cerebral ataxia.
22 Are you a doctor?

23 Q. Mr. Antolini, do you have a
24 history of alcoholism?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. Yes.

3 Q. Can you tell me about it?

4 A. No.

5 MR. FINKELSTEIN: Objection.

6 Q. Mr. Antolini?

7 A. (Indiscernible.)

8 Q. I'm sorry, I didn't hear what
9 you said.

10 THE COURT REPORTER: I didn't
11 hear that.

12 A. I can't say. It's personal.

13 THE COURT REPORTER: It's
14 personal.

15 A. Look it up.

16 Q. Mr. Antolini, respectfully,
17 you're being deposed right now. So unless
18 your attorney instructs you not to answer
19 the question --

20 MR. FINKELSTEIN: No, no, no,
21 no. You don't give him instructions.
22 Objection to this lecture to my
23 client. Objection.

24 MR. MIZRAHI: Susan --

25 MR. FINKELSTEIN: You have his

1 D. ANTOLINI

2 answer. Objection.

3 MR. MIZRAHI: Susan, kindly
4 take down the speaking objection for
5 the record.

6 A. Objection. It's personal.

7 Q. Mr. Antolini, unless your
8 attorney instructs you not to answer --

9 MR. FINKELSTEIN: Objection.
10 Objection. My continuing objection.

11 Q. Unless your attorney tells you
12 not to answer --

13 MR. FINKELSTEIN: Note my
14 objection.

15 Q. -- you have an obligation to
16 answer the question, Mr. Antolini.

17 MR. FINKELSTEIN: Objection.

18 A. Look it up in my medical
19 record. You have it.

20 Q. Mr. Antolini, do you have a
21 history of alcoholism?

22 MR. FINKELSTEIN: Objection.

23 A. Yes.

24 Q. Can you tell me about it?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. No. I don't know. What do you
3 want to know?

4 Q. Have you ever been treated for
5 alcohol substance abuse?

6 A. Yes.

7 Q. Okay. Have you ever been
8 directed to abstain from alcohol?

9 A. No.

10 Q. Has your doctor ever directed
11 you to abstain from alcohol?

12 MR. FINKELSTEIN: Objection.

13 A. No.

14 Q. Do you know what abstain means?

15 MR. FINKELSTEIN: Objection.

16 A. Yes. I'm not a retard.

17 Q. Mr. Antolini, who is
18 Dr. Matthew Swan?

19 A. My neurologist.

20 Q. Do you recall visiting
21 Dr. Swan's office on July 18, 2017?

22 A. I don't remember the exact
23 date. I go there often.

24 Q. Okay.

25 MR. FINKELSTEIN: Susan, you

1 D. ANTOLINI

2 got that?

3 (Whereupon, the referred to
4 answer was read back by the
5 Reporter.)

6 MR. FINKELSTEIN: Thank you.

7 MR. MIZRAHI: Madam Court
8 Reporter, I'm going to be -- I'm
9 going to be admitting another exhibit
10 for the record. I believe that this
11 is Exhibit B.

12 THE COURT REPORTER: Okay.

13 Q. Mr. Antolini, I'm showing you a
14 copy -- I'm showing you a copy of some of
15 your medical records.

16 A. Yeah. Go ahead.

17 Q. Do you see that?

18 A. You know more than me. Go
19 ahead.

20 Q. Mr. Antolini, do you see -- do
21 you see the document on the screen?

22 A. Yeah.

23 Q. Okay. Do you recognize this
24 document?

25 A. No.

1 D. ANTOLINI

2 Q. Okay. These are progress notes
3 from your doctor, Dr. Matthew Swan.

4 A. Very tiny. I can't read it.

5 THE COURT REPORTER: The tab
6 changed, counsel. There you go.

7 Q. How about now?

8 A. No. Before -- yeah, now.

9 Q. Okay. Mr. Antolini?

10 A. Yeah.

11 Q. In your progress notes dated
12 July 18, 2017 --

13 A. Yeah.

14 Q. -- there are some notes that
15 your doctor had made. I'm going to read
16 some of them to you, okay?

17 A. Okay.

18 Q. Here, it says, Memory is
19 worsening. Has difficulty recalling
20 information.

21 A. Correct.

22 Q. Spontaneous recall is
23 difficult. He is delayed in recalling
24 information. He was told by Social
25 Security M.D. that he has dementia.

1 D. ANTOLINI

2 A. Yeah.

3 Q. Can you tell me a little bit
4 about the memory loss issues Dr. Swan is
5 referring to?

6 MR. FINKELSTEIN: Objection.

7 A. I can't remember right away. I
8 remember (indiscernible).

9 THE COURT REPORTER: I didn't
10 hear that. I remember?

11 THE WITNESS: (Indiscernible.)
12 I could tell you.

13 THE COURT REPORTER: I'm not
14 hearing it, I'm sorry. Can you
15 repeat it?

16 THE WITNESS: Okay. Here we
17 go. (Indiscernible.)

18 THE COURT REPORTER: You have
19 my diagnosis?

20 THE WITNESS: (Indiscernible).
21 I can't talk too well.

22 THE COURT REPORTER: I'm not
23 hearing it counsel, I'm sorry.

24 THE WITNESS: Okay. My memory
25 recall --

1 D. ANTOLINI

2 THE COURT REPORTER: My memory
3 recall?

4 THE WITNESS: (Indiscernible.)

5 THE COURT REPORTER: I'm not
6 understanding it.

7 THE WITNESS: Okay. Here we
8 go. (Indiscernible).

9 THE COURT REPORTER: Hang on.
10 Hang on. Mr. Antolini -- Counsel,
11 I'm not understanding any of this so. . .

12 MR. MIZRAHI: Then let's --
13 Madam Court Reporter, can you just
14 ask the last question that was --
15 that was posed?

16 THE COURT REPORTER: Yeah. I'm
17 sorry. Okay.

18 (Whereupon, the referred to
19 portion was read back by the
20 Reporter.)

21 MR. MIZRAHI: Madam -- Madam
22 Court Reporter?

23 THE COURT REPORTER: Yes?

24 MR. MIZRAHI: Unless I --
25 unless I instruct you to specifically

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D. ANTOLINI

give me the objection and the answer,
I'm only asking you to repeat the
question.

Can you please just repeat the
question that was asked.

THE COURT REPORTER: Sure.

(Whereupon, the referred to
question was read back by the
Reporter.)

MR. FINKELSTEIN: Okay. And,
Susan, what was his answer, please?

MR. MIZRAHI: No. I'm not
asking for the answer, and I'm going
to --

MR. FINKELSTEIN: I am. I am.
I'm asking for the answer.

MR. MIZRAHI: Madam Court
Reporter, I'm ready to continue. You
don't have to repeat it.

Q. Mr. Antolini --

MR. FINKELSTEIN: I want to
hear his answer, Susan, please. And
get this all on the record, that he's
refusing me to hear the testimony

1 D. ANTOLINI

2 that's already in the record. I'd
3 like to hear his answer, please.

4 Q. Mr. Antolini --

5 MR. FINKELSTEIN: Hold on.

6 Susan, I need for you to read
7 it back.

8 THE COURT REPORTER: I know.
9 I'm trying to get back to the spot,
10 but when you guys keep speaking, I
11 have to go back on the record with
12 everything that's said.

13 MR. FINKELSTEIN: Okay. Good.
14 I'll stop talking. I'll wait. Thank
15 you.

16 (Whereupon, the referred to
17 answer was read back by the
18 Reporter.)

19 MR. FINKELSTEIN: Okay. Thank
20 you.

21 Q. Mr. Antolini?

22 A. I'm here.

23 Q. Can you tell me about the
24 difficulty in spontaneous recall that
25 Dr. Swan was referring to?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. (Indiscernible.)

4 THE COURT REPORTER: I didn't
5 understand that.

6 A. (Indiscernible.)

7 THE COURT REPORTER: Counsel,
8 I'm not understanding him.

9 A. (Indiscernible.)

10 Q. Okay. Let me --

11 MR. MIZRAHI: You can strike
12 that last question, Madam Court
13 Reporter.

14 Q. Mr. Antolini, can you hear me?

15 A. Yeah.

16 Q. Mr. Antolini do you suffer from
17 memory loss issues?

18 MR. FINKELSTEIN: Objection.

19 Asked and answered.

20 A. Yes.

21 Q. Mr. Antolini, do you have
22 difficulty recalling information?

23 MR. FINKELSTEIN: Objection.

24 A. Sometimes.

25 Q. Can you repeat that,

1 D. ANTOLINI

2 Mr. Antolini?

3 A. Sometimes.

4 Q. Okay. Do you have difficulty
5 in spontaneous recall Mr. Antolini?

6 MR. FINKELSTEIN: Objection.

7 A. Yes.

8 MR. FINKELSTEIN: Sorry,
9 objection.

10 Q. It says here that you were told
11 by Social Security that you have dementia?

12 A. Yeah.

13 MR. FINKELSTEIN: Objection.

14 Asked and answered.

15 Q. Can you tell me more?

16 MR. FINKELSTEIN: Objection.

17 A. I don't know (indiscernible).

18 THE COURT REPORTER: I heard, I
19 don't know. Can you repeat what you
20 said after that?

21 A. I don't know what he's try
22 trying to insinuate.

23 THE COURT REPORTER: What he's
24 trying to insinuate?

25 THE WITNESS: Yeah.

1 D. ANTOLINI

2 Q. Have you ever been diagnosed
3 with dementia?

4 MR. FINKELSTEIN: Asked and
5 answered. Objection.

6 A. That's why I have
7 (indiscernible).

8 THE COURT REPORTER: That's why
9 I have?

10 THE WITNESS: Disability.

11 THE COURT REPORTER:
12 Disability.

13 Q. Do you suffer from dementia?

14 MR. FINKELSTEIN: Objection.

15 A. I'm not a doctor. I don't
16 know.

17 Q. Have you ever been diagnosed
18 with dementia?

19 MR. FINKELSTEIN: Objection.

20 A. I have no idea what my records
21 say. You don't know about me?

22 Q. Mr. Antolini, it says -- it
23 says here that, quote, He drinks a little
24 sake with lunch and dinner mixed with
25 water. Last admission for detox was about

1 D. ANTOLINI

2 two years ago.

3 A. Yeah.

4 Q. Do you see that?

5 A. Yes.

6 MR. FINKELSTEIN: Objection.

7 Objection.

8 Q. Why do you dilute -- can you
9 tell me about the diluted sake that
10 Dr. Swan is referring to?

11 MR. FINKELSTEIN: Objection.

12 Objection.

13 A. So you don't get drunk.

14 MR. FINKELSTEIN: Objection on
15 the grounds of perversion.

16 Q. Why do you dilute your sake
17 with water?

18 A. Because I need water.

19 Q. So why don't you just drink
20 water?

21 MR. FINKELSTEIN: Objection.

22 Argumentative. Objection, for a
23 myriad of reasons.

24 A. Water (indiscernible).

25 THE COURT REPORTER: Can you

1 D. ANTOLINI

2 repeat that? Water?

3 THE WITNESS: (Indiscernible.)

4 THE COURT REPORTER: I'm not
5 understanding it, counsel.

6 MR. FINKELSTEIN: Dino, Dino, I
7 know you're upset. Dino, listen to
8 me. Dino, I know you're upset, but
9 when you yell, it distorts the
10 speakers. So just talk a little
11 softer and we'll be good. Thank you.

12 A. This is America. I have the
13 right to drink what I want to do. All
14 right?

15 THE COURT REPORTER: I have him
16 saying, This is America. I have the
17 right to drink what I want to do.
18 All right?

19 THE WITNESS: Yeah.

20 Q. You received assistance for
21 alcohol substance abuse issues,
22 Mr. Antolini; is that accurate?

23 A. I don't understand what you're
24 saying.

25 Q. Have you ever -- can you tell

1 D. ANTOLINI

2 me about the admission for detox --

3 MR. FINKELSTEIN: Objection.

4 Q. -- that Dr. Swan is referring
5 to?

6 MR. FINKELSTEIN: Objection.

7 Perverted. Perverted. Objection.

8 A. I have no idea what you're
9 trying to do.

10 Q. Were you ever -- were you ever
11 admitted for alcohol substance abuse
12 issues?

13 MR. FINKELSTEIN: Objection.

14 A. Yeah.

15 Q. Can you tell me about it?

16 A. No. I don't know what you're
17 saying.

18 MR. FINKELSTEIN: Objection.

19 Q. Mr. Antolini, it says here
20 that, quote, you are concerned about
21 memory.

22 A. Yeah.

23 Q. Is that referring to your -- is
24 that referring to your memory loss issues?

25 MR. FINKELSTEIN: Objection.

1 D. ANTOLINI

2 A. What does it say? You're a
3 doctor and a lawyer. Tell me?

4 Q. Are you currently concerned
5 about your memory loss issues?

6 MR. FINKELSTEIN: Objection.

7 A. No.

8 Q. Do you currently suffer from
9 memory loss issues?

10 MR. FINKELSTEIN: Objection.

11 A. No.

12 Q. Mr. Antolini, it says here that
13 you had suffered from cognitive impairments
14 and --

15 MR. FINKELSTEIN: Objection.

16 Objection.

17 (Unreportable crosstalk.)

18 MR. MIZRAHI: Madam Court
19 Reporter, please note -- please note
20 these interruptions for the record.

21 MR. FINKELSTEIN: Objection.

22 MR. MIZRAHI: Please note these
23 improper objections for the record.

24 MR. FINKELSTEIN: Improper
25 objections. Great. Objection.

1 D. ANTOLINI

2 Q. Mr. Antolini --

3 MR. FINKELSTEIN: Is there a
4 question pending?

5 Madam Court Reporter, is there
6 a question pending?

7 THE COURT REPORTER: The last
8 question I have on the record,
9 Mr. Antolini, it says here that you
10 had suffered from cognitive
11 impairments.

12 MR. FINKELSTEIN: Is there an
13 answer?

14 THE COURT REPORTER: No. There
15 was an objection --

16 MR. MIZRAHI: Let me -- Madam
17 Court Reporter, please let me finish
18 my question.

19 MR. FINKELSTEIN: Yeah, sure.
20 Yeah. Wow.

21 MR. MIZRAHI: Please note the
22 improper speaking objections again
23 for the record.

24 Q. Mr. Antolini?

25 A. Yes?

1 D. ANTOLINI

2 Q. It says here that you were
3 suffering from cognitive impairments --

4 MR. FINKELSTEIN: Objection.

5 Q. -- potentially -- potentially
6 related to longstanding alcohol use.

7 MR. FINKELSTEIN: Objection.

8 A. What does that mean
9 (indiscernible)?

10 THE COURT REPORTER: Repeat
11 that, Mr. Antolini?

12 THE WITNESS: What does that
13 mean?

14 MR. FINKELSTEIN: What does
15 that mean, I think he said.

16 THE COURT REPORTER: What does
17 that mean. Okay.

18 Q. Can you tell me about these
19 cognitive impairments?

20 A. What's that mean? I'm not a
21 doctor.

22 Q. Have you ever -- have you ever
23 suffered from cognitive impairments?

24 MR. FINKELSTEIN: Objection.

25 A. I don't know what you're

1 D. ANTOLINI

2 saying. I'm not a doctor.

3 Q. Is there anything else that you
4 recall about your visit with Dr. Swan on
5 July 18, 2017?

6 A. What are you talking about?

7 Q. Is there anything else that you
8 remember about that visit on July 18, 2017?

9 A. What do you want to know?

10 Q. Anything else that you remember
11 about that visit?

12 A. No.

13 Q. Do you recall visiting Dr. --

14 A. You --

15 (Unreportable crosstalk.)

16 MR. FINKELSTEIN: Dino, Dino,
17 let him ask his questions. Let him
18 ask. Shush.

19 A. What is cognitive
20 (indiscernible) whatever?

21 Q. Mr. Antolini, do you recall
22 visiting Dr. Swan's office on November 14,
23 2017?

24 A. You're asking me dates. You're
25 getting under my skin. (Indiscernible).

1 D. ANTOLINI

2 THE COURT REPORTER: Hang on.

3 Mr. Antolini, I'm not understanding
4 you.

5 I have, you're asking me dates.
6 You're getting under my skin.

7 THE WITNESS: Yes.

8 (Indiscernible).

9 THE COURT REPORTER: I'm sorry,
10 counsel, I'm not understanding.

11 Q. Mr. Antolini, can you hear me?

12 A. (Indiscernible.)

13 Q. Mr. Antolini, do you see these
14 -- do you see these progress notes dated
15 November 14, 2017?

16 A. I don't know what you're
17 saying.

18 Q. I'm going to read -- I'm going
19 to read more of the progress notes.

20 Mr. Antolini, it says here
21 that, quote, Memory was --

22 A. I blocked you out. I don't
23 want to hear you right now.

24 (Indiscernible).

25 THE COURT REPORTER: I'm not

1 D. ANTOLINI

2 hearing him, counsel. I don't

3 understand.

4 I have him saying --

5 THE WITNESS: (Indiscernible.)

6 THE COURT REPORTER: I'm sorry,
7 I'm not understanding.

8 On the record, I have, answer,
9 I blocked you out. I don't want to
10 hear you right now. And that was all
11 I can understand on the record.

12 THE WITNESS: (Indiscernible.)

13 Q. Mr. Antolini, it says here,
14 quote, your memory is worsening. You're
15 having trouble with concentration. You
16 were to repeat a brain MRI, and you were
17 referred to obtain labs for reversible
18 dementia that you did not complete.

19 MR. FINKELSTEIN: Objection.

20 Whatever that means. I'm not sure.

21 Q. It also says --

22 A. I have no idea.

23 (Indiscernible).

24 Q. Were you suffering from memory
25 loss issues on November 14, 2017?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. I don't remember.

4 Q. It also says here that,
5 according to your wife, that you were
6 forgetting many things.

7 MR. FINKELSTEIN: Objection.

8 A. You know more than me.

9 Q. Is that accurate?

10 MR. FINKELSTEIN: Objection.

11 A. I have no idea what you're
12 saying. (Indiscernible).

13 THE COURT REPORTER: We lost
14 his camera, but I didn't hear the
15 ending of what he said.

16 I have, answer, I have no idea
17 what you're saying.

18 THE WITNESS: I lost the
19 picture.

20 MR. FINKELSTEIN: What did he
21 say, Susan?

22 THE VIDEOGRAPHER: Would you
23 like to go off the record?

24 THE COURT REPORTER: He lost
25 his picture.

1 D. ANTOLINI

2 MR. FINKELSTEIN: Oh, there he
3 is. Okay.

4 THE WITNESS: Now I'm back.

5 MR. FINKELSTEIN: Okay. Is
6 there a question pending, Susan?

7 (Whereupon, the referred to
8 question and answer was read back by
9 the Reporter.)

10 THE WITNESS: Okay. I'm back.
11 You there?

12 MR. FINKELSTEIN: Gotcha.

13 Q. It also says here,
14 Mr. Antolini, that you have difficulty
15 recalling information --

16 MR. FINKELSTEIN: Objection.

17 Q. -- in that you suffer from
18 intermittent staring spells --

19 MR. FINKELSTEIN: Objection.

20 Q. -- lasting as much as ten
21 minutes.

22 MR. FINKELSTEIN: Objection.

23 Is there a question?

24 Q. Do you -- do you still suffer
25 from those intermittent staring spells?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. No.

4 Q. Mr. Antolini, why didn't you
5 complete the labs for your dementia?

6 MR. FINKELSTEIN: Objection.

7 A. What are you talking about?

8 Q. It says here --

9 A. I have no idea what you're
10 talking about.

11 Q. It says here that you are --

12 A. You know everything. Why are
13 you asking?

14 Q. Mr. Antolini, please, please
15 calm down.

16 A. (Indiscernible.)

17 MR. FINKELSTEIN: Don't tell
18 him to do anything outside of
19 answering the questions, sir.

20 You don't tell him to calm down
21 or anything. I would be upset too --
22 never mind.

23 Don't direct my client to do
24 anything, counsel.

25 MR. MIZRAHI: Madam Court

1 D. ANTOLINI

2 Reporter, please note the improper
3 speaking objection for the record.

4 MR. FINKELSTEIN: Did he
5 answer, Susan? Susan, you okay?

6 THE COURT REPORTER: I'm okay.

7 MR. FINKELSTEIN: Okay. Did he
8 answer?

9 (Whereupon, the referred to
10 answer was read back by the
11 Reporter.)

12 MR. FINKELSTEIN: Okay. Thank
13 you.

14 Q. Mr. Antolini, it says here that
15 you were instructed to -- referred to
16 obtain labs for reversible dementia but you
17 did not complete this workup.

18 Why didn't you --

19 A. I have no idea what you're
20 talking about.

21 Q. Do you see where it says that
22 right here, that you were referred to
23 obtain labs for reversible dementia?

24 MR. FINKELSTEIN: Asked and
25 answered three times. Objection.

1 D. ANTOLINI

2 Harassment. Annoying.

3 He said he has no idea what
4 you're talking about, counselor, and
5 I think we gotta get the judge on the
6 phone. This is insane.

7 If you're going to continue to
8 harass, let me know; otherwise, I'm
9 going to have to get him on the phone
10 even though he said don't call. This
11 is crazy.

12 MR. MIZRAHI: Madam Reporter,
13 please note --

14 MR. FINKELSTEIN: Yeah, yeah.
15 She's got it noted. She does a good
16 job. She's got it noted.

17 How much longer are you going
18 to keep harassing and annoying and
19 embarrassing him? I'm curious.

20 MR. MIZRAHI: Madam Court
21 Reporter, please note the continued
22 improper speaking objections.

23 MR. FINKELSTEIN: Yes, yes, yes
24 yes, yes, yes, yes, yes.

25 Is there a question pending,

1 D. ANTOLINI

2 Susan? I mean a legit question.

3 (Whereupon, the referred to
4 question was read back by the
5 Reporter.)

6 MR. FINKELSTEIN: Dino, do me a
7 favor, just answer him, okay? That's
8 all. That's all. If you know, you
9 know. Whatever. Whatever.

10 THE WITNESS: (Indiscernible.)

11 THE COURT REPORTER: I didn't
12 hear you, Mr. Antolini, but your
13 finger was on the camera.

14 THE WITNESS: (Indiscernible.)

15 THE COURT REPORTER: I didn't
16 hear that.

17 THE WITNESS: Go ahead.

18 Q. Mr. Antolini, it says here that
19 your doctor reordered labs for a reversible
20 dementia?

21 MR. FINKELSTEIN: Same
22 objection.

23 Q. Do you recall -- do you recall --

24 A. I never got this report.

25 Q. Do you recall that -- these

1 D. ANTOLINI

2 labs?

3 A. No. I never got the report.

4 Q. Can you tell me more about this
5 dementia?

6 MR. FINKELSTEIN: That's the
7 fifth time you asked that.

8 Objection.

9 A. I never got the report. You
10 understand never? N-E-V-E-R.

11 Q. In these progress notes, it
12 says that at lunch and dinner, you drink a
13 little sake with water; that your -- that
14 your wife is working to help you cut it
15 down and dilute the sake more.

16 Do you see that?

17 A. Yeah.

18 Q. Okay. Why do you dilute your
19 sake with water?

20 MR. FINKELSTEIN: You asked
21 that five times. Five times you
22 asked that. Objection.

23 MR. MIZRAHI: Madam Court
24 Reporter, please note the improper
25 speaking objection again for the

1 D. ANTOLINI

2 record.

3 MR. FINKELSTEIN: Please note
4 the improper questions.

5 A. I answered that already. Next
6 question.

7 Q. I'm sorry, Mr. Antolini, I
8 didn't hear you.

9 A. I answered that question
10 already. You're wasting my time.

11 Q. Mr. Antolini, do you recall
12 visiting Dr. Swan's office on February 15,
13 2018?

14 A. No.

15 Q. I'm showing you progress notes
16 from February 15, 2018. Do you see them?

17 A. Yeah.

18 Q. Do you remember anything about
19 your visit on that day?

20 A. Who?

21 MR. MIZRAHI: Madam Court
22 Reporter, you can please restate my
23 question.

24 (Whereupon, the referred to
25 question was read back by the

1 D. ANTOLINI

2 Reporter.)

3 A. No.

4 Q. Mr. Antolini, I'm showing you
5 progress notes from February 22, 2018?

6 A. Yeah.

7 Q. It says here, quote, you're
8 having more trouble with words and names
9 than with numbers.

10 A. Correct.

11 Q. That you have -- that you have
12 difficulty filling in the blank with words.
13 Do you see that?

14 A. Yeah.

15 Q. Were you still suffering --

16 A. I told you that already.

17 Q. Yeah. Are you still suffering
18 from memory loss issues at this time?

19 A. Yeah. It never goes away. It
20 stabilized.

21 Q. I'm sorry, what did you say?

22 MR. FINKELSTEIN: Objection.

23 A. It stabilized. It hasn't
24 gotten worse.

25 Q. Mr. Antolini?

1 D. ANTOLINI

2 A. Yes.

3 Q. Please remove your finger from
4 the camera.

5 A. What?

6 Q. You're covering the camera.

7 A. Hold on.

8 Q. It says here that Dr. Swan
9 spent more than half of this 30-minute
10 visit counseling you in the importance of
11 alcohol abstinence.

12 Do you see that?

13 A. Yes.

14 Q. Do you recall that
15 conversation?

16 A. (Indiscernible.)

17 THE COURT REPORTER: Repeat
18 that? I didn't hear the answer.

19 THE WITNESS: I'm not a doctor.

20 MR. FINKELSTEIN: I'm not a
21 doctor, I think he said.

22 MR. MIZRAHI: Please note the
23 improper speaking objection again for
24 the record, Madam Court Reporter.

25 MR. FINKELSTEIN: I'm

1 D. ANTOLINI

2 clarifying the record for the Court
3 Reporter to have a nice,
4 understandable, clear record, as you
5 have done --

6 MR. MIZRAHI: Please note --

7 MR. FINKELSTEIN -- as you have
8 done --

9 MR. MIZRAHI: Please note --

10 MR. FINKELSTEIN: -- throughout
11 this deposition.

12 MR. MIZRAHI: Please -- please
13 note the continued obstruction.

14 MR. FINKELSTEIN: Do you have a
15 question, counsel? We're ready to
16 proceed.

17 MR. MIZRAHI: Please note the
18 continued instructions of the
19 witness.

20 MR. FINKELSTEIN: We're ready
21 to proceed.

22 Q. Did you follow Dr. Swan's
23 advice when he was explaining the
24 importance of alcohol abstention?

25 A. I don't remember him saying

1 D. ANTOLINI

2 that.

3 Q. It's written right here.

4 MR. FINKELSTEIN: Objection.

5 A. I never got the report.

6 Q. What was that?

7 A. I never got the report. He
8 never told me to abstain.

9 Q. Do you remember hearing
10 Dr. Swan speak when you go to visit him?

11 A. Yeah.

12 Q. And do you follow his advice
13 when he gives you advice?

14 A. Yes.

15 MR. FINKELSTEIN: Objection.

16 Q. So if Dr. Swan is advising you
17 the importance of alcohol abstention, would
18 you follow that advice?

19 MR. FINKELSTEIN: Wow.

20 Objection.

21 A. Yes.

22 Q. Okay.

23 A. I still don't understand what
24 it has to do with the ADA noncompliance.

25 Q. I'm showing you progress

1 D. ANTOLINI

2 notes --

3 A. I'm asking you what it has to
4 do --

5 MR. FINKELSTEIN: Dino, wait
6 until he asks you a question before
7 you speak.

8 A. Go ahead.

9 Q. I'm showing you progress notes
10 from March 14, 2019.

11 Okay. Do you recall visiting
12 Dr. Swan's office on March 14, 2019?

13 A. I don't remember the date.

14 Q. Okay. It says here, quote,
15 you're having trouble remembering names.
16 It takes time to recall a name. It pops
17 into his memory hours later.

18 Do you see that?

19 A. Yeah. No. But I remember,
20 yes.

21 Q. Yeah? Were you suffering from
22 memory loss issues at that time?

23 A. No. Memory recall.

24 Q. Were you suffering from memory
25 recall issues at that time?

1 D. ANTOLINI

2 A. Yeah.

3 Q. And it also says here that you
4 drink one or two drinks of sake diluted in
5 water at that time?

6 A. Correct.

7 Q. Is that because you were a
8 recovering alcoholic?

9 MR. FINKELSTEIN: Objection.

10 A. I don't like that term.
11 Alcohol abuser.

12 Q. Were you a recovering alcohol
13 abuser?

14 MR. FINKELSTEIN: Objection.

15 A. Yes.

16 Q. Okay. Thank you. Thank you.
17 I didn't know that there was another term
18 to use. I'll remember that next time.

19 And at the end of the notes, it
20 also says that Dr. Swan spent more than
21 half of this 30-minute visit in counseling
22 on the importance of alcohol abstinence.

23 Do you see that?

24 A. No.

25 Q. Right here.

1 D. ANTOLINI

2 A. (Indiscernible).

3 THE COURT REPORTER: Hang on.

4 Mr. Antolini, can you repeat that,
5 because I didn't understand it.

6 THE WITNESS: Okay. Yeah.

7 Okay. What now?

8 Q. Did you follow Dr. Swan's
9 advice, Mr. Antolini?

10 MR. FINKELSTEIN: Objection.

11 A. Yeah. I told him I drink one
12 or two sakes a day, and he said it's all
13 right.

14 Q. I'm sorry, I didn't hear what
15 you said?

16 A. I told him I drink one or two
17 glasses of sake with water a day, and he
18 said that was all right.

19 Q. I'm showing you progress notes
20 dated September 17, 2019, and it says here
21 that you, quote, still have trouble
22 remembering names, mostly for
23 acquaintances, not for people he knows
24 well.

25 A. Yeah.

1 D. ANTOLINI

2 Q. Were you still suffering --
3 were you still suffering from memory recall
4 issues at that time?

5 A. Yes.

6 MR. FINKELSTEIN: Objection.

7 Q. And it also says here that,
8 quote, Dr. Swan spent more than half of
9 this 40-minute visit in counseling the
10 importance of alcohol abstinence.

11 MR. FINKELSTEIN: Objection.

12 Q. Did you follow Dr. Swan's
13 advice?

14 A. He never told me abstinence.

15 Q. It says here that he did; that
16 he told you -- he counseled you on the --

17 A. No.

18 (Unreportable crosstalk.)

19 MR. FINKELSTEIN: Objection.

20 A. He told me (indiscernible.)

21 THE COURT REPORTER: Hang on.

22 I didn't understand that. Hang on.

23 THE WITNESS: (Indiscernible.)

24 THE COURT REPORTER: I'm not --

25 THE WITNESS: (Indiscernible.)

1 D. ANTOLINI

2 THE COURT REPORTER:

3 Mr. Antolini, I'm sorry -- hang on.

4 MR. FINKELSTEIN: Dino, hold on
5 a second. Dino, hold on a second.

6 Go ahead, Susan.

7 THE COURT REPORTER: I didn't
8 understand the answer.

9 It says here that he told you
10 he counseled you. Objection. Then I
11 have, He told me, and I didn't hear
12 the rest.

13 THE WITNESS: He told me one or
14 two glasses of sake was okay for me.
15 Normally, I don't (indiscernible).

16 THE COURT REPORTER: Hang on.
17 He told me one or two glasses of sake
18 was okay. Normally I don't?

19 THE WITNESS: (Indiscernible).

20 THE COURT REPORTER: I'm not
21 understanding that, counsel.

22 THE WITNESS: Okay.
23 (Indiscernible).

24 THE COURT REPORTER: I'm still
25 not hearing it. I'm sorry.

1 D. ANTOLINI

2 THE VIDEOGRAPHER: I heard,
3 People that are weak.

4 THE WITNESS: Yeah. If you go
5 out, you have one or two drinks.

6 Q. Mr. Antolini, you're still
7 suffering from memory recall issues at this
8 time?

9 MR. FINKELSTEIN: Objection.

10 A. When?

11 Q. Were you still suffering from
12 memory recall issues on September 17, 2019?

13 MR. FINKELSTEIN: Objection.

14 A. What time? What?

15 Q. September 17, 2019?

16 MR. FINKELSTEIN: Objection.

17 A. You're asking me for a specific
18 date?

19 Q. Well, I'm just saying, you
20 know, it says here that --

21 MR. FINKELSTEIN: Objection.

22 Q. -- in the notes, that you're
23 still having trouble remembering names,
24 mostly for acquaintances, not for people he
25 knows well.

1 D. ANTOLINI

2 A. Yes.

3 Q. So, for the record, were you
4 still suffering from memory recall issues
5 in September of '19?

6 MR. FINKELSTEIN: Objection.

7 For the record, the record speaks for
8 itself. Objection.

9 A. You have it.

10 Q. I just want to make sure that
11 we're on the same page.

12 MR. FINKELSTEIN: Objection.

13 Q. Were you still suffering from
14 memory recall issues --

15 A. You have the page.

16 MR. FINKELSTEIN: Objection.

17 A. You highlighted it.

18 Q. Is that accurate, Mr. Antolini?

19 A. What?

20 MR. FINKELSTEIN: Objection.

21 Q. Is that accurate? Are these
22 statements accurate?

23 A. Yeah.

24 Q. Mr. Antolini, I'm showing you
25 progress notes dated January 21, 2020.

1 D. ANTOLINI

2 A. Yeah.

3 Q. It says here, quote, you still
4 have issues with names. Stable, not worse.

5 A. Yeah.

6 Q. So were you still having issues
7 with memory loss -- with memory loss or
8 with memory recall?

9 MR. FINKELSTEIN: Objection.

10 A. Recall.

11 Q. It says here that you were
12 drinking minimally. Is that referring to
13 alcohol consumption?

14 A. Yeah. It says it right there.

15 Q. And it says that at dinner, you
16 still drink diluted sake, sometimes at
17 lunch, one or two --

18 MR. FINKELSTEIN: Objection.

19 Q. -- total, not a full drink each
20 time.

21 A. Correct.

22 MR. FINKELSTEIN: Objection.

23 Q. And that was because you were
24 recovering from alcohol consumption?

25 MR. FINKELSTEIN: Same

1 D. ANTOLINI

2 objection.

3 Q. I'm sorry, you said alcohol
4 abuse?

5 MR. FINKELSTEIN: Objection.

6 A. Yes.

7 Do you drink? Do you drink?

8 MR. FINKELSTEIN: Dino, when
9 you shout, it's no good. I know
10 you're upset, but just be cool.
11 We'll understand better. Please.

12 Susan, did you get his
13 response?

14 (Whereupon, the referred to
15 answer was read back by the
16 Reporter.)

17 Q. Mr. Antolini, it says here that
18 Dr. Swan spent more than half of this visit
19 counseling the importance of alcohol
20 abstinence.

21 Do you recall that?

22 MR. FINKELSTEIN: Objection.

23 A. No.

24 Q. Did you follow Dr. Swan's
25 advice at the January 21, 2020 visit?

1 D. ANTOLINI

2 MR. FINKELSTEIN: Objection.

3 A. He never told me that.

4 Q. But did you follow this advice
5 at the January 21, 2020 visit?

6 A. Yes.

7 Q. Mr. Antolini, who is Stuart
8 Finkelstein?

9 MR. FINKELSTEIN: Objection.

10 There is to be no questions about me
11 here. Attorney/client privilege.

12 MR. MIZRAHI: I'm not asking
13 about any communication.

14 MR. FINKELSTEIN: It doesn't
15 matter. It's implicit in who I am.
16 It's implicit. He's not answering.

17 Q. Mr. Antolini, I'm not asking
18 you -- for this next line of questioning,
19 I'm not asking you to talk about any
20 communications with your attorney.

21 Do you understand?

22 MR. FINKELSTEIN: No, no, no,
23 no, no. We're not asking any
24 questions about me to my client. Not
25 happening.

1 D. ANTOLINI

2 If you want to ask him if I'm
3 his lawyer, that's fine, but it goes
4 no further, counsel.

5 MR. MIZRAHI: Please note the
6 improper speaking objections for the
7 record, Madam Court Reporter.

8 Q. Mr. Antolini, for this next
9 line of questioning, I am -- I'm not
10 interested in any communications or
11 conversations you've had with your
12 attorney.

13 Do you understand?

14 A. Yes.

15 Q. Mr. Antolini, who is Stuart
16 Finkelstein?

17 A. My lawyer.

18 Q. And how did you and
19 Mr. Finkelstein meet?

20 MR. FINKELSTEIN: No, no, no.
21 It goes to privilege. All of these
22 were answered in the interrogatories,
23 and this is now two years -- almost
24 two years later. Privilege.

25 We're not -- we're not

1 D. ANTOLINI

2 answering any questions about the
3 attorney/client relationship. I'm
4 directing him not to answer.

5 MR. MIZRAHI: Madam Court
6 Reporter, I would like to make a
7 statement for the record.

8 Number one, I'd like to note
9 the improper speaking objection a
10 moment ago.

11 Number two, I'm going to -- I'm
12 going to read verbatim from the
13 Court's August 7, 2020 order, docket
14 entry number 63.

15 Quote, When defendants take the
16 deposition of plaintiff, they are
17 free to ask questions regarding
18 whether plaintiff authorized
19 Mr. Finkelstein to commence this
20 action and/or regarding plaintiff's
21 interrogatory responses. End quote.

22 So I'm going to continue.

23 MR. FINKELSTEIN: Well, if you
24 want to ask those -- on the record,
25 Susan?

1 D. ANTOLINI

2 THE COURT REPORTER: Yes.

3 MR. FINKELSTEIN: Yes.

4 If he wants to ask those two
5 questions, I have no issue with those
6 at all. Anything else is
7 attorney/client -- actually, that is,
8 too, but I'll allow --

9 MR. MIZRAHI: I'm going to
10 again --

11 MR. FINKELSTEIN: Excuse me.
12 You're interrupting me. I'll allow
13 that, of course, pursuant to Judge
14 Stewart's [sic] order.

15 Q. Mr. Antolini, can you hear me?

16 A. Yeah.

17 Q. How did you and Mr. Finkelstein
18 meet?

19 MR. FINKELSTEIN: Don't answer.
20 Next question. Directing him not to
21 answer.

22 Q. Mr. Antolini, I'm not asking
23 you to divulge any communications.

24 MR. FINKELSTEIN: You said that
25 six times. He's not answering. Move

1 D. ANTOLINI

2 on, counselor.

3 MR. MIZRAHI: Please note the
4 improper instruction for the record,
5 Madam Reporter.

6 I'm going to be admitting
7 another document into evidence, Madam
8 Reporter. I believe that this is --

9 MR. FINKELSTEIN: Next. Get
10 this off the screen. Get it off the
11 screen or I'm ending this right now.

12 MR. MIZRAHI: Madam Court
13 Reporter, I'm going to be admitting
14 this document into evidence.

15 MR. FINKELSTEIN: No, you're
16 not. If you don't get it off the
17 screen, and we're not talking about
18 that either, this -- this deposition
19 will be over. It will be cancelled.
20 It will be terminated.

21 MR. MIZRAHI: Madam Court
22 Reporter, I believe that this is
23 Exhibit Number C that needs to be
24 marked for identification. It's an
25 arrest warrant --

1 D. ANTOLINI

2 MR. FINKELSTEIN: Madam Court
3 -- hold on. Madam Court Reporter,
4 Madam Court Reporter, I want the
5 record to reflect that Mr. -- this
6 Mr. Mizrahi is pursuing something
7 that's totally outside this lawsuit.
8 I've asked him not to do it.

9 He mentioned something about an
10 arrest just now. Mr. Antolini is not
11 going to respond to it, I'm not going
12 to respond to it, and we'll let the
13 chips fall where they may with Judge
14 Aaron Stewart [sic], with the judge
15 on the case, and with the Second
16 Circuit, but he is not going to do
17 this during this deposition on this
18 case, especially in light of many,
19 many things, but that's besides the
20 point.

21 So if this fellow is going to
22 continue on this, I'm going to tell
23 my -- direct my client -- well,
24 actually he'll do it of his own
25 volition, but that's besides the

1 D. ANTOLINI

2 point. I --

3 (Unreportable crosstalk.)

4 MR. MIZRAHI: Please note the
5 improper speaking objection.

6 MR. FINKELSTEIN: Excuse me.
7 Excuse me. Excuse me.

8 We will -- Mr. Antolini and I
9 will get out of this deposition. We
10 will terminate it, again, pursuant to
11 rule, I guess, 30 and a bunch of
12 other -- 30(b), which I mentioned a
13 number of times already, seeking an
14 order from the court regarding 30(a),
15 which will definitely in a way
16 embarrass, et cetera, et cetera, and
17 I believe I have the right, pursuant
18 to that rule, to terminate this
19 deposition with the understanding
20 that pursuant to 32, it looks like,
21 30 --

22 MR. MIZRAHI: Madam Reporter,
23 Madam Reporter --

24 MR. FINKELSTEIN: You're
25 interrupting me. I'm making a

1 D. ANTOLINI

2 record.

3 (Unreportable crosstalk.)

4 MR. FINKELSTEIN: I'm making a
5 record. That I will force a
6 limitation to be -- to -- rather, I
7 will present a motion under rule
8 30(d)(3) to preclude him from going
9 down this disgusting, atrocious,
10 sordid, S-O-R-D, sordid road.

11 So if you're going to continue,
12 Jason, let me know right now;
13 otherwise, Jason -- not Jason.
14 Otherwise Mr. Antolini and I are off.

15 MR. MIZRAHI: Madam Reporter,
16 please note the improper speaking
17 objection for the record.

18 MR. FINKELSTEIN: That's all
19 you got to say? That's all you got
20 to say?

21 MR. MIZRAHI: Please note --
22 please note the improper --

23 MR. FINKELSTEIN: Are you going
24 to continue --

25 (Unreportable crosstalk.)

1 D. ANTOLINI

2 MR. FINKELSTEIN: Are you going
3 to continue with this nonsense? With
4 this garbage? I'm curious?

5 MR. MIZRAHI: Madam Reporter,
6 please note the improper speaking
7 objection for the record.

8 THE COURT REPORTER: Okay.

9 Can you guys just give me one
10 second? I just have to plug in. My
11 screen is black because I'm on low
12 battery here. I thought it was
13 plugged in.

14 (Discussion held off the
15 written record; not off the video
16 record.)

17 MR. MIZRAHI: Madam Reporter?
18 Madam Reporter?

19 THE COURT REPORTER: Hang on.
20 Hang on. Okay. Sorry about
21 that. Yes.

22 MR. MIZRAHI: I'm going to make
23 a statement for the record that
24 plaintiff's counsel is engaging in
25 improper --

1 D. ANTOLINI

2 MR. FINKELSTEIN: Oh, just say
3 it already. What do you want to say?
4 Stop the preamble all the time. What
5 do you want to say, counsel?

6 MR. MIZRAHI: Madam Court
7 Reporter, I'm just making a statement
8 for the record.

9 I'm being continuously
10 interrupted. I'm making a statement
11 for the record with regards to these
12 improper speaking objections.

13 I want to make sure that this
14 exhibit has been marked for the
15 record. Can you please confirm,
16 Madam Reporter?

17 THE COURT REPORTER: Sure. As
18 soon as you send it to me.

19 MR. FINKELSTEIN: It's on my
20 screen. I'll send you all the
21 exhibits afterwards.

22 THE COURT REPORTER: Okay.
23 Thank you.

24 MR. FINKELSTEIN: Madam Court
25 Reporter, when Dino and I leave this

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D. ANTOLINI

deposition, I just want the record to reflect that we've left the deposition and that anything that happens after that is all ex parte by him.

Can you do that for me, please.

THE COURT REPORTER: Sure.

MR. FINKELSTEIN: Thank you. I appreciate it.

MR. MIZRAHI: In anticipation for plaintiff's counsel's threat to end this deposition --

MR. FINKELSTEIN: It's not a threat. It's not a threat. I don't threaten anybody, counsel.

MR. MIZRAHI: In anticipation of plaintiff's counsel's threat to conclude this deposition unilaterally, defendants will reserve the right to seek sanctions and costs --

MR. FINKELSTEIN: Of course. Of course. Of course.

MR. MIZRAHI: -- including,

1 D. ANTOLINI

2 without limitation, the costs of
3 attorney's fees and Court Reporter's
4 fees arising out of this deposition.

5 We will also seek the right to
6 re-depose plaintiff as a result of
7 this obstructionist behavior.

8 MR. FINKELSTEIN: So does that
9 mean you're -- what does that mean?
10 You're not continuing the deposition
11 of Mr. Antolini?

12 Q. Mr. Antolini, take a moment to
13 familiarize yourself with this document.
14 Do you see this document?

15 MR. FINKELSTEIN: If you're
16 going to continue there, it's not
17 happening. It's not happening.

18 If you're going to continue,
19 we're going to get off and seek a
20 ruling from the judge on the case
21 pursuant, again, to rule 30(d)(3).

22 MR. MIZRAHI: Madam Court
23 Reporter, are you with us?

24 THE COURT REPORTER: Yes.

25 MR. FINKELSTEIN: Hold on a

1 D. ANTOLINI

2 second. Are you continuing -- is it
3 your intention to continue along the
4 path that you've just chosen, sir?

5 BY MR. MIZRAHI:

6 Q. Mr. Antolini, can you hear me?

7 A. Yeah.

8 Q. Okay. Mr. Antolini, were you
9 aware that Mr. Finkelstein --

10 MR. FINKELSTEIN: Dino, Dino,
11 that's it.

12 Were you aware what?

13 MR. MIZRAHI: Please note the
14 improper speaking objection for the
15 record.

16 MR. FINKELSTEIN: I didn't hear
17 you.

18 MR. MIZRAHI: Madam Reporter,
19 please note the improper
20 interruptions and speaking objection
21 for the record.

22 Q. Mr. Antolini, were you aware
23 that Mr. Finkelstein was arrested?

24 MR. FINKELSTEIN: Okay, that's
25 it. Dino, hop off -- hop off the

1 D. ANTOLINI

2 deposition. Hop off. Turn it off.

3 We're done. We're done.

4 Q. Mr. Antolini --

5 MR. FINKELSTEIN: Madam Court

6 Reporter, anything after this, at

7 2:59, I would ask that you just make

8 a note -- Dino, you can turn your

9 stuff off.

10 Make a note that it's all going

11 to be ex parte and we're hopping off,

12 okay.

13 I'm reserving my right to make

14 the motion before the Court pursuant

15 to that rule.

16 You off Dino? Hop off.

17 MR. MIZRAHI: Mr. Antolini --

18 THE WITNESS: I can hang up?

19 MR. FINKELSTEIN: Dino, yeah.

20 We're finished. Hop off.

21 THE WITNESS: I could hang up?

22 MR. FINKELSTEIN: Yeah, hang

23 up. We're done.

24 THE WITNESS: Okay.

25 (Whereupon, Mr. Finkelstein and

1 D. ANTOLINI

2 the witness left the meeting.)

3 MR. MIZRAHI: Jason, Susan, are
4 you still with me?

5 THE COURT REPORTER: Yes.

6 THE VIDEOGRAPHER: Yes.

7 MR. MIZRAHI: Okay. I'm going
8 to just take a moment to make a brief
9 statement on the record, and I think
10 we're going to conclude today's
11 deposition. I believe we are
12 scheduled -- I believe that we're
13 scheduled to return tomorrow morning.

14 If you can bear with me one
15 moment while I pull up a quick
16 statement that I'll be reading.

17 THE COURT REPORTER: Okay.

18 MR. MIZRAHI: Would you guys
19 like to go off the call and come back
20 in five or ten minutes?

21 THE COURT REPORTER: I can hang
22 on. It's okay.

23 MR. MIZRAHI: Jason?

24 THE VIDEOGRAPHER: I don't mind
25 hanging on either.

1 D. ANTOLINI

2 MR. MIZRAHI: Great. I'll try
3 and be quick. Just give me one
4 second.

5 THE COURT REPORTER: Okay.
6 Take your time.

7 (Whereupon, there was a brief
8 pause in the proceeding.)

9 MR. MIZRAHI: Guys, whenever
10 you're ready?

11 THE COURT REPORTER: I'm ready
12 when you are.

13 MR. MIZRAHI: I'm going to be
14 admitting another piece into
15 evidence, Susan.

16 Before we conclude -- before we
17 conclude, I'm also going to ask that
18 we take a minute to let me know what
19 I need to send you, if I need to send
20 you anything that you need marked for
21 the exhibit.

22 So before we conclude, we can
23 just make sure that you have
24 everything that you need, okay?

25 THE COURT REPORTER: Okay,

1 D. ANTOLINI

2 sure.

3 MR. MIZRAHI: So I'm going to
4 share the screen. Can you see the
5 screen highlighted?

6 THE COURT REPORTER: I can see
7 it, yeah.

8 MR. MIZRAHI: Okay.

9 THE COURT REPORTER: Can you
10 make it a little bigger?

11 MR. MIZRAHI: Yes.

12 THE COURT REPORTER: The iPad
13 makes it so tiny.

14 MR. MIZRAHI: Can you see that?

15 THE COURT REPORTER: Yes.

16 MR. MIZRAHI: Okay.

17 Good afternoon. My name is
18 Jason Mizrahi. We are on the record
19 in connection with the deposition
20 scheduled in the case of Dino
21 Antolini -v- McCloskey, et al., the
22 case pending in the United States
23 District Court for the Southern
24 District of New York, case number
25 19-cv-9038.

1 D. ANTOLINI

2 Today is April 19, 2021. The
3 time is now 3:03 p.m. Eastern
4 Standard Time. This proceeding is
5 conducted remotely through Veritext
6 court reporters. The Court Reporter,
7 Miss Susan Insinga, has before her
8 today the March 2, 2021 Court Order
9 under docket number 150.

10 Namely, the court order entered
11 by the Honorable Magistrate Judge
12 Stewart Aaron has granted defendant's
13 letter motion to compel, amongst
14 other things, plaintiff's deposition.

15 The Court Order reads, quote,
16 Defendant's deposition of plaintiff
17 shall commence on Monday April 19,
18 2021 and continue from day to day
19 until complete; provided, however,
20 that the deposition shall be
21 completed no later than Friday
22 April 23, 2021, end quote.

23 On April 19, 2021, plaintiff's
24 counsel, Stuart Finkelstein, at
25 approximately 2:55 p.m. informed me

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D. ANTOLINI

and the Court Reporter and
videographer, Mr. Jason Aqui, that he
will be unilaterally terminating
today's deposition.

In fact, Mr. Finkelstein, as
threatened, did, in fact,
unilaterally leave today's
deposition, and he unilaterally
instructed his client to terminate
his video and microphone stream.

Therefore, plaintiff and
plaintiff's counsel have refused to
participate either in person or by
any other means in today's
deposition.

In conclusion, I request that
the Court Reporter transcribe the
record of these proceedings so that
it may be filed in court as an
exhibit for defendant's application
for the imposition of appropriate
sanctions.

These proceedings, accordingly,
may now be closed at 3:06 p.m.,

1 D. ANTOLINI

2 August 19, 2021. Thank you.

3 THE COURT REPORTER: April.

4 April 19th, counsel.

5 MR. MIZRAHI: April 19, 2021.

6 THE VIDEOGRAPHER: We are off
7 the record. The time is 3:06 p.m.

8 (Whereupon, at 3:06 p.m., the
9 Examination of this witness was
10 adjourned.)

11 (Whereupon, an October 22,
12 2019 Answer With Affirmative Defenses
13 and Counterclaims was marked as
14 Defendant's Exhibit A for
15 identification; a copy of
16 Mr. Antolini's medical records were
17 marked as Defendant's Exhibit B for
18 identification; an arrest warrant was
19 marked as Defendant's Exhibit C for
20 identification; and a March 2, 2021
21 Court Order entered by the Honorable
22 Magistrate Judge Stewart Aaron was
23 marked as Defendant's Exhibit D for
24 identification as of this date by the
25 Court Reporter.)

1 D. ANTOLINI

2 D E C L A R A T I O N

3
4 I hereby certify that having been
5 first duly sworn to testify to the truth, I
6 gave the above testimony.
7

8 I FURTHER CERTIFY that the foregoing
9 transcript is a true and correct transcript
10 of the testimony given by me at the time
11 and place specified hereinbefore.
12
13
14

15 DINO ANTOLINI
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17

18 Subscribed and sworn to before me
19 this _____ day of _____ 20____.
20
21

22 NOTARY PUBLIC
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D. ANTOLINI

E X H I B I T S

DEFENDANT'S EXHIBITS

EXHIBIT	EXHIBIT	PAGE
LETTER	DESCRIPTION	
Exh A	October 22, 2019 Answer With Affirmative Defenses and Counterclaims	288
Exh B	Copy of Mr. Antolini's medical records	288
Exh C	Arrest warrant	288
Exh D	March 2, 2021 Court Order entered by the Honorable Magistrate Judge Stewart Aaron	288

(Exhibits retained by the Court Reporter.)

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D. ANTOLINI
I N D E X

EXAMINATION BY	PAGE
MR. MIZRAHI	7

INFORMATION AND/OR DOCUMENTS REQUESTED
(None)

QUESTIONS MARKED FOR RULINGS
BY DEFENDANTS

PAGE	LINE	QUESTION
32	6	Mr. Antolini, have you ever been arrested?
33	10	Okay. What other lawsuits were you involved in?

QUESTIONS MARKED FOR RULINGS
BY PLAINTIFF

PAGE	LINE	QUESTION
73	9	What is your cell phone number, Mr. Antolini?

D. ANTOLINI

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF SUFFOLK)

I, SUSAN INSINGA, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of April 2021.



SUSAN INSINGA

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ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: Antolini, Dino v. McCloskey, Ann Et Al
DATE OF DEPOSITION: 4/19/2021
WITNESSES' NAME: Dino Antolini

PAGE	LINE (S)	CHANGE	REASON
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Dino Antolini

SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY OF _____, 20__.

(NOTARY PUBLIC) MY COMMISSION EXPIRES: _____

[& - 4,000]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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